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Committee on the Elimination of Discrimination against Women

Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women

Combined initial, second and third periodic report of States parties

Latvia*

* The present report is being issued without formal editing.

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INTRODUCTION

1.The Initial Report of the Republic of Latvia on implementation of the Convention of 18 December 1979 on Elimination of All Forms of Discrimination against Women (hereinafter – the Convention), which is effective in the Republic of Latvia as of 14 May 1992, on the basis of provisions of the Convention and in compliance with its Article 18, provides information on the legal acts of the Republic of Latvia as well as the political and legal attitude of the country towards the protection of women's rights and the elimination of any form of discrimination.

2.A special task force was set up for the elaboration of the present Report, including representatives of the Ministry of Foreign Affairs, the Ministry of Justice, the Ministry of Interior, the Ministry of Welfare and the Ministry of Culture. Under Regulations of 17 March 1998, No.92 "On Representation of the Cabinet of Ministers before International Human Rights Institutions" a representative authorised by the Cabinet of Ministers headed the said task force. Comments and proposals concerning the Report drafted by the task force were presented by the Human Rights Institute of the Faculty of Law of the Latvian University, National Human Rights Office, Latvian Association for Gender Equality, Latvia's Association for Family Planning and Sexual Health *"Papardes Zieds"*, Resources' Centre for Women *"Marta"* and Free Trade Unions Association.

3.The updated report, combining the initial, second and third periodic reports, was examined and adopted by the Cabinet of Ministers on 16 April 2003.

ARTICLE 1

4.Since the restoration of independence Latvia has ratified many international human rights instruments prohibiting any form of discrimination, including the discrimination of women in all it social, economic and political manifestations. International Covenant of 16 December 1966 on Civil and Political Rights and Convention of 20 December 1952 on Political Rights of Women are binding upon Latvia. It should be in addition pointed out that Latvia has ratified the 1950 European Convention on Human Rights and Protection of Fundamental Freedoms where Article 14 provides the exercise of rights and freedoms mentioned in the Convention without any discrimination.

5.The Satversme (Constitution) of Latvia prescribes that "the State shall recognise and protect fundamental human rights under the present Constitution, laws and international treaties binding for Latvia" and stipulates, including the principle of the prohibition of discrimination as well as the principle of equality, that "all people in Latvia shall be equal before the law and court. Human rights shall be exercised without any discrimination". Thus women in Latvia enjoy all rights in various areas of human rights prescribed by the Chapter of the Constitution on "Fundamental Human Rights".

6. The legislation of Latvia does not prescribe any restrictions for the woman to exercise and enjoy her rights in the political, economic, social, cultural, civil or any other field irrespective of her marital status.

ARTICLE 2

7. The exercise of the rights of the individual without any discrimination is secured at the constitutional level by Article 91 of the Satversme (Constitution), which is included in Chapter 8 of the Constitution.[1] In its comments concerning the Draft of Latvia's national report on the implementation of the Convention the Latvian Association for Gender Equality points out that legal acts of Latvia doe not contain definition of indirect discrimination. In this regard it should be emphasises that such definition is contained in the new Labour Law, which will enter into force on 1 June 2002.

8. In addition the prohibition of discrimination against women is contained in other normative acts in specific areas of human rights, for example, the Education Law stipulates that every citizen of the Republic of Latvia and every person eligible to a non-citizens passport issued by the Republic of Latvia, a person who has received the permanent residence permit, as well as nationals of the European Union member States who have been issued a temporary residence permit and their children enjoy equal rights to acquire education irrespective of their material and social status, race, nationality, gender, religious and political affiliation, the health condition, occupation and place of residence.

9. The Law "On Radio and Television" stipulates that a programme may not contain incitement to national, racial, gender or religious hatred, to the humiliation of national honour and dignity. The Law "On Advertising" stipulates that it is prohibited to express in advertising discrimination against an individual on racial grounds, due to the colour of the person's skin, the gender, age, religious, political or other affiliation, national or social origin, the material status or other circumstances.

10. Under the Constitution any individual enjoys a right to freedom and personal inviolability. No person may be deprived of liberty or his/her liberty may not be restricted in Latvia in any other way than solely under the law. Neither the Criminal Procedure Code, nor the Civil Procedure Law contains norms depriving women of certain rights or restricting the enjoyment of some rights on the grounds of gender differences.

11. The Law "On Judiciary", prescribing the basic principles of the judiciary, stipulates that all individuals are equal before the law and court, and they enjoy equal rights to the protection of law. In Latvia court passes judgement irrespective of the person's origin, the social and material status, race and nationality, gender, education, language, religious affiliation, type and nature of occupation, place of residence, political or other views. This basic principle

[1] Chapter 8 of the Constitution was enacted on 15 October 1998.

of the judiciary guarantees women, irrespective of their occupation, origin, social, religious or cultural affiliation, the right to protect their impaired fundamental rights and freedoms at court institutions of Latvia on an equal basis with men.

12. Actions undertaken by public agencies and institutions are prescribed by normative acts that regulate their operation and which are subordinated to and harmonised with the Constitution, thus ensuring the observance of the principle of gender equality. Legislative norms, required for the elimination of discrimination against women by any individual, enterprise or organisation are included in legislative acts related to the respective areas.

13. Customs, rooted in the community, as well as the practice in exercising rights avoid emphasising the role of genders in the possibilities of enjoying various rights. Neither the Criminal Code of Latvia, nor the Criminal Procedure Code of Latvia prescribes legal norms that would be discriminatory against women.

ARTICLE 3

14. Latvia has established normative base for promoting the equality of men and women, prohibiting gender discrimination as well as providing the legal regulation for the development of women.

15. As of January 1999 the Department on Social Policy Development at the Ministry of Welfare is the responsible agency that co-ordinates issue of gender equality in the country. In 2000 the Division on Public Integration and Gender Equality was established.

16. The main tasks of the co-ordinator on issue of gender equality are as follows: to co-ordinate gender equality issue at the Ministry of Welfare and to co-operate with other public institutions as well as non-governmental organisations; to organise seminars, to collect and collate materials on gender equality issues and trends of development in this area; to co-operate with international organisations and their experts on issues related to gender equality; to formulate proposals and projects concerning gender equality issues.

17. On 16 October 2001 the Cabinet of Ministers adopted Concept for the implementation of gender equality in Latvia, which incorporates the institutional mechanism for addressing gender equality issues. At the end of 2001 a working party on co-ordination of gender equality issue was established consisting of representatives from ministries, non-governmental organisations, research institutions. The tasks of the working party are: to elaborate draft programme for implementation of gender equality, to co-ordinate efforts to include gender equality principle in policy documents and legal acts both existing and planned. In its comments to the Report on the implementation of the Convention Latvian Association for Gender Equality points out that at the adoption of the above Concept, the establishment of the centre for the promotion of gender equality and creation of mechanism for examination of gender-related disputes were not accepted. Latvian

Association for Gender Equality believes that this decision might have to be reconsidered in future, since it is envisaged that every EU member State would have to create institution promoting gender equality.[2]

18. National Human Rights Office (NHRO), in its turn, indicates that formally gender equality is guaranteed by existing legal acts, but that it is only a basis for actual gender equality in all areas of life. NHRO points out that particular attention should be paid to the practical implementation of these legal provisions.

19. Specific activities undertaken in various areas for ensuring comprehensive development and progress for women in order to guarantee women the enjoyment and exercise of human rights and fundamental freedoms on equal basis with men, are described further in the discussion of specific Articles of the Convention.

ARTICLE 4

20. Since gender equality is guaranteed at constitutional level, specific measures aimed at promoting *de facto* equality are not characteristic for Latvia. Information on various activities undertaken to ensure women's development and progress in different fields is given under specific Articles of the Convention.

ARTICLE 5

21. The development of social and cultural conduct of men and women in Latvia has been determined by the national history and culture that have been influenced by the various political regimes that have existed in the territory of Latvia and the dominant cultural forms. The most significant impact to be mentioned is the traditional culture of the ancient ethnic inhabitants of Latvia, Christian traditions and norms of canon law, traditions of democracy and authoritarianism during the period of independent statehood between World War I and World War II, the culture of the Soviet period and the position of the woman in the community, the tradition of political and community culture developed since the restoration of independence.

22. The traditional cultural base of the ancient ethnic inhabitants in Latvia is the patriarchal peasant family where the woman mostly holds the place of the mother. In this context the woman enjoys particular respect and receives privileges, however in the social structure of society the woman holds the position that is characteristic for the model of the patriarchal family.

23. The impact of Christian traditions and norms of canon law on the role of the woman in society in the territory of Latvia is basically related to the influence of Catholicism (in Latgale, Eastern part of Latvia) and Lutheranism (in Kurzeme and Vidzeme, Northern and Western part of Latvia), which are the

[2] Proposal for a Directive of the European Parliament and of the Council amending Directive 76/207/EEC on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions.

most widespread denominations in Latvia. However during the Soviet period this tradition lost most of its influence.

24. Democratic traditions and gender equality traditions during the period when the territory of Latvia was incorporated in the Russian Empire, developed at comparatively more rapid rate, due to the higher educational and living standards of the population. The activity of both genders during the revolution of 1905 and during the process of the development of a civic society until the beginning of World War I may be viewed as the first confirmation of the fact that these ideas had taken root in the community.

25. Upon the foundation of the state in 1918 women acquired political and civil rights on an equal basis with men, which were also extensively exercised during the period of democracy as well as during the period of authoritarianism.

26. During the Soviet period a brutal concept on the equality of men and women was cultivated, which often led to a ill-considered equalisation of social functions, disregarding the specific physiological and psychological needs of women, and although this concept was based on the universal recognition of women's rights and their implementation in practice, it often achieved the reverse effect which degrading the woman as a full-fledged member of society.

27. Since the restoration of independence in 1991 attitude towards the issue of gender equality in Latvia has been slowly changing. The community has access to materials on the feminist movement and activities of women's organisations, movements, activities of political parties and associations, which are related to the change of stereotypes. On the whole, all mass media gradually and more consistently reveal a change of stereotypes in the attitude of the public opinion to the issue of gender equality. Various models of mutual relationships are offered in addressing the issue of gender equality, this problem is given a more tolerant assessment. Increasingly more frequently it is the individual choice of the woman and its significance that is emphasised. Since May 2000 Latvian Association for Gender Equality is functioning in Latvia, which as non-governmental organisation assists State institutions in promoting gender equality.

28. Women in Latvia involve in addressing problems of gender equality directly and indirectly. Conferences are organised for the discussion of this issue (thus in May 2001 First national conference on gender equality issue took place organised jointly by the Ministry of Welfare and Latvian Association for Gender Equality). Women-writers, philosophers, actresses, business women and women-politicians, when publicly expressing their views and attitude to life, assert the intellectual abilities of women and the diversity of opinion on the gender equality issue.

29. A particular impact on the opinion, expressed in the mass media on the role of the woman in society, has been left by the fact that the most popular magazines and daily newspapers in Latvia are successfully managed by

women, and their success in business has been more powerful in destroying stereotypes concerning the habitual division of roles in society than individual articles and publications. Thus, for example, the Editor-in-Chief of the *"Diena"* – the largest daily newspaper in Latvia – is S.Ēlerte. Similarly, the publishing house *"Žurnāls "Santa""*, publishing the largest part of weekly and monthly magazines with the largest circulation for men and for women, is headed by S. Dancberga-Anča. The Latvia Association of Gender Equality recognises in its comments on the draft National Report of Latvia on the Implementation of the Convention that some women in leading positions are unable to break down the existing stereotypes in general, for comparison they also refer to the data provided below in the Report on women – employers and women in leading Civil Service offices. Likewise the Latvia Association of Gender Equality point out that until now publications broadcasts on gender equality have had insignificant impact, and in order to change the opinion of the public about what is appropriate for women and formen, the necessity of systematic work must be acknowledged not only by non-governmental organisations.

30. There are two national television channels and two large commercial television channels in Latvia. The majority of journalists working in the news services, cultural and art programmes and family programmes are women. Broadcasts presented by both types of television channels for families emphasise the equal responsibility and care of both parents for their family, equal opportunities in developing a professional career.

31. Neither can any special contra-position of men and women be felt in broadcasts presented by the Latvia National Radio and commercial radio stations; it can be observed that professional qualities of the woman and her career development success are emphasised. More frequently in discussions of public issues, radio broadcasts recognise the right of the woman to freedom of choice to be a value.

32. The public opinion in Latvia is influenced also by the growing and expanding co-operation of Latvia and Scandinavian countries where the movement of women's emancipation is traditionally strong and which has proved its significance and sustainability. Conferences have been held with the participation of women from the Nordic and Baltic countries. Latvian Association for Gender Equality in its comments points out that representatives from Latvia have participated in the UN Beijing Conference in 1995 as well as in *Beijing + 5* activities in 2000 (in New York, Geneva, Vilnius).

33. In its comments NHRO informs that it has received small number of complaints concerning violence in family, but even few complaints or tragic cases when violence in family has not been timely resolved allow to regard discrimination of women in personal security matters as a real problem of Latvia. Although legal acts provide for criminal liability for physical violence, NHRO is of the opinion that Latvian law enforcement institutions do not pay sufficient attention to manifestations of physical violence in families if bodily injury sustained by woman cannot be regarded as serious or at least moderate.

Moreover, legal acts do not define psychological violence at work or in family, neither they provide for any prevention mechanism of such violence. NHRO believes that these factors contribute to unwillingness on women's part to report to the law enforcement institutions about cases of violence and that this problem would not be solved without State support and State and municipal social assistance to victims of violence and amendments to the Criminal Law, as well as without change in attitude of police towards violence in family, *i.e.* not to regard it as a simple family dispute but as a crime.

34. In order to solve the problem concerning violence against women in families, the Central Criminal Police Board of the State police co-operates already for many years with the crisis centre "Skalbes", the employees of which (psychologists, psychiatrs, social workers, who render anonymous assistance to persons in crisis situations) run educational and informative seminars for the State police officers on people's reactions in crisis situations, violence in a family, stress management. Within the scope of this co-operation in 2002, for example, two groups of the State police officers – women were trained to deal with the victims of sexual abuse. As a result women who have suffered from sexual abuse now have the possibility in Riga, Riga district, Jūrmala, and Valmiera to address the police officers – women, who in the above-mentioned training courses have acquired the communication skills with victims of sexual abuse, as well as the stress decreasing strategy. Similarly, the State police co-operates also with other non-governmental organizations, for example, with the medical centre "Genders" in the sphere of medical and psychological assistance, which is provided to women, who are victims of sexual abuse and violence, with the "Soros Foundation Latvia" participating in common projects in various spheres, as well as with the Socila Rehabilitation centre exchanging information, providing assistance to women who are victims of violence. In addition, there are inter-disciplinary groups set up, in which medical staff, as well as employees from psychological and social assistance organizations discuss with the State police and municipal police officers problematic issues, considering each specific act of violence in a family; as well as the participation of psychologists has been ensured in the State police and municipal police joint spot-checks in order to provide the necessary assistance to individuals in a concrete situation. In accordance with data of the Information centre of the Ministry of Interior concerning offences committed in families, in 2000 3 criminal proceedings were instigated concerning violence in family, but in 2001 – already 13 criminal proceedings. This information indicates that both women, who are victims of violence, more and more trust the police and become braver, reporting on violence commited and the police officers become more informed of the problem of violence in a family.

35. Latvian Association for Gender Equality in its comments points out that survey "Awareness and attitude of people towards issue of gender equality" conducted late 2001 shows that Latvian society believes gender-based restrictions still exist. In this survey Latvia's inhabitants most frequently indicated that differences in various restrictions can be observed with respect to rights (60.2%), while with respect to opportunities such answer was less often (36.7%). Likewise participants of survey recognised that in reality

restrictions in opportunities are bigger for women (47.4%). Latvian Association for Gender Equality also considers as negative aspect usage of terms "women's literature", "women's world" in mass media, as well as recognition of existence of different social roles.

ARTICLE 6

36. Following the restoration of independence Latvia has assumed international commitments in preventing the sexual exploitation of people. The Convention of 2 December 1949 on Suppression of the Traffic in Persons and the Exploitation of the Prostitution of Others is effective in Latvia as of 13 July 1992, and under the above Convention prostitution cannot be recognised to be an occupation, and it is the opinion of the State Police as well.

37. Under Article 11 of Regulations No. 210 of the Cabinet of Ministers of 22 May 2001 "On Restriction of Prostitution", any activity of a third party, promoting prostitution is prohibited in Latvia. The said Regulations generalised the range of prohibited activities in promoting prostitution and include the maintenance, management of brothels, knowing financing or participation in financing of such an establishment. The violation of these Regulations incurs administrative liability as well as criminal liability if such acts are committed repeatedly in the course of one year after imposition of the administrative penalty.

38. In addition the Criminal Law prescribes criminal liability for other criminal offences in the area of prostitution and the exploitation of prostitution. Article 164 "Compulsion to Engage in Prostitution" prescribes the sanction – deprivation of liberty for a term of up to three years, or custodial arrest, or a fine not exceeding sixty times the minimum monthly wage. The engagement of a person in prostitution using the person's trust in bad faith, or by means of fraud, or by taking advantage of the dependence of the person on the offender or of the person's state of helplessness, is punishable by deprivation of liberty for a term of up to five years, or a fine not exceeding one hundred and twenty times the minimum monthly wage, with or without the forfeiture of property. The inducement or compulsion of a minor (under the age of 18) to engage in prostitution, or of providing premises to minors for purposes of prostitution, may be punished by deprivation of liberty for a term of up to six years, with or without the forfeiture of property. The inducement or compulsion of a juvenile (under the age of 14) to engage in prostitution, or of providing premises to juveniles for purposes of prostitution, may be punished by deprivation of liberty for a term of five to twelve years, with or without the forfeiture of property.

39. Article 165 of the Criminal Law prescribes liability for living on the avails of prostitution. Taking advantage of a person, who is engaged in prostitution for purposes of material gain, may be punished by deprivation of liberty for a term of up to four years, with or without the forfeiture of property. The legal acts of Latvia prescribe deprivation of liberty for a term of up to eight years and the forfeiture of property as penalty for the same acts, if committed by a group of persons pursuant to a prior agreement, or if committed with respect

to minors (under the age of 18). In their turn, the same acts, if committed by a group of persons pursuant to a prior agreement, or if committed with respect to juveniles (under the age of 14) are punishable by deprivation of liberty for a term of five to twelve years and the forfeiture of property.

40. Article 165.1 of the Criminal Law, the amended version of which became effective in as of 15 June 2000, recognises sending a person abroad for sexual exploitation to be a criminal offence. Under the said Article persons guilty of sending a person with the person's consent abroad for sexual exploitation may be punished by deprivation of liberty for a term of up to four years. The same acts if committed for purposes of material gain or with respect to a minor, are punishable by deprivation of liberty for a term of up to ten years, with or without the forfeiture of property. The above acts if committed by an organised group or if they have been committed in respect of a minor are punishable by deprivation of liberty for a period from eight to fifteen years, with the forfeiture of property.

41. For a person who commits the importation, production, public demonstration, advertising or other distribution of such pornographic or erotic materials as relate or portray the sexual abuse of children, bestiality, necrophilia or violence of a pornographic nature, or the keeping of such materials for similar purposes, the applicable sentence is deprivation of liberty for a term not exceeding three years, or a fine not exceeding fifty times the minimum monthly wage, with or without confiscation of property. For a person who uses minors in the production (manufacturing) of pornographic or erotic materials, the applicable sentence is deprivation of liberty for a term not exceeding six years, or a fine not exceeding eighty times the minimum monthly wage, with or without confiscation of property. For a person who uses juveniles in the production (manufacturing) of pornographic or erotic materials, the applicable sentence is deprivation of liberty for a term of not less than five and not exceeding twelve years, with or without confiscation of property.

Statistical data on criminal cases initiated in accordance with the Criminal Law where victims are women

	1995		1996		1997		1998		1999		2000.		2001.	
Article of the Criminal Law	reg.	dis.	reg.	dis.	reg.	dis.	reg.	dis.	reg.	dis.	reg.	dis.	reg.	dis.
Art. 152 Unlawful deprivation of liberty	-	-	5	3	-	-	7	6	2	-	5	3	6	6
Art. 153 Kidnapping	-	-	-	-	-	-	-	-	-	-	3	2	1	-
Art 155 Unlawful confinement to a psychiatric hospital	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Art.164 Compelling engaging in prostitution	-	-	-	-	-	-	-	-	-	-	-	-	1	-
Art. 165 Living on the avails of prostitution	-	-	-	-	-	-	-	-	1	-	-	-	2	1
Art. 165.1. Sending a person for sexual exploitation	-	-	-	-	-	-	-	-	1	-	-	-	1	1
Art. 166 Section 3 Violation or provisions regarding importation, production and distribution of pornographic or erotic materials (involving minors)	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Art. 166 Section 4 Violation or provisions regarding importation, production and distribution of pornographic or erotic materials (involving juveniles)		-	-	-	-	-	-	-	-	-	-	-	-	-
Art. 285 Unlawful conveyance of a person across a State border	-	-	-	-	-	-	-	-	-	-	-	-	-	-

42. Although national legislation prescribes liability for encouraging prostitution as well as human trafficking, tourism prostitution as well as trafficking in persons has become more active in Latvia. Criminal groups involved in human trafficking, bring into Latvia women from Belarus, Russia, the Ukraine, Lithuania, and, when these women find themselves in a helpless situation, they are involved in prostitution or they are used as models for erotic and pornographic publications. Women, among them also underaged girls, are taken out to other countries to practice prostitution there – in most cases to the countries of Central Europe and Scandinavia. Facts about the involvement of minors in prostitution in Latvia give rise to concern. About 10-12% of all prostitutes in Latvia are underage girls. Research shows that prostitutes under the age of 16 are in the highest demand at intimate clubs (clubs offering sexual services). Data of social research show that most of the girls and women who engage in prostitution, have been sexually abused in their childhood; they have no permanent residence, employment and income, sufficient education. The above risk group would require timely rehabilitation

and social integration, however at present due to its socio-economic conditions Latvia is not in a position to provide these services on a full scale.

43. In order to limit traficking in persons for reasons of sexual exploitation several measures have been taken: Latvian legislation has been harmonized with EU requirements; a special police unit has been set up; international cooperation of law enforcement institutions is being strengthened; informative events are held to restrain potential victims from agreeing to be involved in prostitution; cooperation with non-governmental organizations is promoted.

44. A specialised police unit – the Virtue Police – deals with the prevention of trafficking in persons and the exploitation of prostitution by third parties in the Republic of Latvia, investigation and the co-ordination of investigation. This unit was established in accordance with Single Action Plan adopted by the European Council on 24 February 1997 under Article K3 of EU Agreement on measures in fight against trafficking in persons and sexual exploitation of children. In 2001 the Virtue Police was enlarged (to 20 staff-members), but still its activities mainly cover only Riga and it is not within its capacity to cover the biggest regional cities.

45. Task Force of the Baltic Sea region countries for fighting organized crime encourages closer cooperation between the law enforcement institutions. At present it is engaged in drafting proposals for further cooperation of the police of the member states, including the proposal to consider prevention of women traficking as a priority; promotion of bilateral exchange of information of the law enforcement institutions of the member states when investigating criminal cases; promotion of exchange of the policemen investigating the cases and setting up joint investigation units; urging of Task Force experts on prevention of women traficking to analyse the obtained information more carefully and to exchange the results of the analysis; to have additional financial inspections during the investigation period.

46. The Interpol – Latvia Office has developed successful co-operation with law-enforcement agencies in several countries in addressing matters related to investigations conducted on cases when people have been sent for prostitution abroad. One of the most successful results of interstate police co-operation to be mentioned is the international operation the "Spanish Route". It was started in February 2000, on the initiative of criminal police officers of the Interpol – Latvia Office and Daugavpils Police Board with the purpose of identifying and liquidating an international organised group, which dealt with sending women from Latvia to Germany for prostitution and then further to Spain. The Interpol Offices in Lithuania, Germany, Spain and law-enforcement agencies of the respective regions of these countries participated in the operation. As a result of the operation, which lasted for more than a year, the Daugavpils District Criminal Police initiated a criminal case against a citizen of Latvia for recruiting women for prostitution abroad while four persons were detained in Germany where they involved women sent from Latvia in work at striptease bars and other places of entertainment in Germany.

ARTICLE 7

47. Latvia has undertaken activities necessary for the prevention of discrimination against women in political and public life.

Women's right to vote and to be elected

48. There are no restrictions of active and passive electoral rights as concerns the gender of the person. The Constitution guarantees active electoral rights at the constitutional level and it stipulates that full-fledged citizens of Latvia who on the day of elections have reached the age of 18 have the right to vote. Under the Law "On Elections of the Saeima (Parliament)", citizens of Latvia who on the day of elections have reached the age of 18 have the right to vote, provided none of restrictions listed in Article 2 of the said Law apply to them. The following have no right to vote: individuals, serving their sentences at penitentiaries; persons who are suspects, the accused or defendants in a case, if detention has been applied to them as a security measure; persons whose incapacity has been recognised in compliance with the procedure prescribed by law.

49. Under the Law "On Elections of City Council, Regional Council and Civil Parish Council", citizens of the Republic of Latvia who on the day of elections have reached the age of 18 have the right to elect the council, provided none of restrictions listed in Article 6 of the said Law does not apply to them. The said Law prescribes that persons whose incapacity has been recognised in compliance with the procedure prescribed by law have no right to vote. Likewise individuals, serving their sentences at penitentiaries, as well as persons who are suspects, the accused or defendants trial in a case, if detention has been applied to them as a measure of safety, have not right to participate in elections.

50. When choosing the place where to participate in the elections of the Saeima (Parliament) or local governments, the woman is not bound by the male members of her family or their place of residence – persons enjoy the right to choose the place of voting on equal basis, irrespective of their gender. The Law "On Elections of the Saeima" stipulates that at parliamentary elections a person may vote at any polling station in the whole country. In the case of local elections the person may vote at his/her discretion in the territory of the local government where the person has registered residence or real estate registered in compliance with the procedure prescribed by law. The person, who has no permanent residence registration on the day of elections, has the right to vote in the administrative territory of the local government where the person has had his/her last registered place of residence.

51. Passive electoral rights are guaranteed to women at the constitutional level, by the Constitution stipulating, that any citizen of Latvia, who has attained majority and on the first day of Parliamentary elections is older that 21 years of age, can be elected to the Saeima. Any citizen of Latvia, who has attained majority and on the day of local elections has reached the age of 21, can be elected to the local government, provided he/she has been registered in the administrative territory of the respective local government without

interruption for at least the last 12 months preceding the election day, or has worked in the said territory for at least the last 6 months preceding the election day, or if the person owns real estate in the said territory. Restrictions of passive electoral rights are the same for both genders.

52. The following cannot be elected to the Saeima (Parliament): persons whose incapacity has been recognised in compliance with the procedure prescribed by law; persons, serving their sentences at penitentiaries; persons who have been sentenced for intentional crimes which are crimes in Latvia also at the moment of the present Law becoming effective; whose criminal record has not been deleted or removed, except persons who have been rehabilitated; persons who have committed a criminal offence in a condition of limited capability or have become mentally ill after the commission of the crime, which has deprived them of the ability to be conscious of their action or to manage it, and who have been imposed a medical coercive measure in view of the disease; or the case has been closed without the imposition of such a coercive measure; persons who are or who have been staff officials of the security services, intelligence services or counterintelligence services of the USSR, the LSSR or a foreign country; persons who after 13 January 1991 have participated in the Communist Party of the USSR (the CP of the LSSR), the International Front of Workers of Latvia, the United Council of Work Collectives, the Organisation of War and Labour Veterans, the All-Latvia Public Salvation Committee or its regional committees; persons who do not know the state language at the highest (third) proficiency level. The same restrictions apply also to elections of persons to local governments.

53. It should be emphasised that since 1995 no crime provided in Article 90 of the Criminal Law – interference with the exercise of voting rights and the right to participate in referendums – where victims were women has been registered.

54. According to the data provided by the Central Electoral Commission on the participation of women at Parliamentary and local elections, women are active in exercising their passive electoral rights (see the Table).

	Women		Men	
	Nominees	Elected	Nominees	Elected
Local elections of 1997	4843 (41%)	no data	7099 (59%)	no data
Elections of the 7th Saeima in 1998	288 (26,64%)	17 (17%)	793 (73,36%)	83 (83%)
Local elections of 2001	5933 (43,75%)	1784 (41,15%)	7627 (56,25%)	2551 (58,85%)

55. It must be noted that in comparison with the number of women elected to the 5th and the 6th Saeima, the number of women elected to the 7th Saeima has increased – 15 women were elected to the 5th as well as the 6th Saeima. As a result of changes in the corps of deputies in July 2001 1/5 or 20 of deputies of the 7th Saeima were women. A summary of results of local elections shows that the smaller the local government, the more the ratio of women against the total number of deputies. Latvian Association for Gender Equality believes

that number of women – nominees for parliamentary elections if compared to the number of women – nominees for local elections shows that stereotypes regarding equal participation of both genders in politics still exist among political parties. In the 6th Saeima a proposal was put forward to establish that in the lists of candidates for parliamentary elections no more that 75% are male candidates and no less that 25% - female candidates. This proposal was not accepted in the Saeima.

56. Women, elected to the Saeima, take an active part in the work of the Commissions of the Saeima as well. Women were Chairpersons of the following Commissions of the 7th Saeima – the Commission on Mandates and Applications, the Commission on the Implementation of Citizenship Law, the Commission on Social and Labour Affairs (until her election to the Riga City Council in March 2001, the Commission on Budget and Finance was also chaired by a woman); women were Deputy Chairpersons of the Commission on Human Rights and Public Affairs, the Commission on European Affairs, the Commission on the Implementation of Citizenship Law, the Commission on National Economy, Agrarian, Environmental and Regional Development. Besides women were leaders of three of the seven factions in the 7th Saeima.

Rights of women to participate in the formulation of State's policy and to hold public offices

57. The Latvian legislation does not impose any restrictions on the participation of women in the formulation of national policy and to hold public offices as well as to perform all public functions at all levels of public administration.

58. Since August 1999 the highest office in the country – that of President – is held by a woman who at the same time is also the Commander-in-Chief of the National Armed Forces. It must be noted that, according to statistics, Vaira Vīķe-Freiberga has been the most popular politician in the country since her election.

59. Women are also represented at the main body of the executive power in Latvia – the Cabinet of Ministers. In the first two governments after the restoration of independence women were not represented at all, in later governments women have held a different number of offices (see the table).

	Number of Ministers in the Government (including state ministers and Ministers of Special Assignment)	Of whom women	Positions held by women
Council of Ministers under the chairmanship of I.Godmanis (07.05.1990– 03.08.1993.)	30	0	–
Cabinet of Ministers under the chairmanship of V.Birkavs (03.08.1993 – 19.09.1994)	27	0	–
Cabinet of Ministers under the chairmanship of M. Gailis (19.09.1994 – 21.12.1995.)	29	4	Minister of Finance – I.Sāmīte (26.05.1995 – 21.12.1995), Minister on State Reforms V.A.Tērauda, State Minister of Matters of External Reserves – I.Sāmīte (19.09.1994. – 21.12.1995) State Minister on State Revenues – A.Poča
Cabinet of Ministers under the chairmanship of A. Šķēle (21.12.1995. – 13.02.1997)	28	2	State Minister on Investment and Credit Policy – S.Jēgere State Minister on State Revenues – A.Poča
Cabinet of Ministers under the chairmanship of A. Šķēle (13.02.1997. – 07.08.1997)	18	1	State Minister on State Revenues – A.Poča
Cabinet of Ministers under the chairmanship of G.Krasts 07.08.1997 – 26.11.1998)	17	2	Minister of Culture – R.Umblija, State Minister on State Revenues – A.Poča
Cabinet of Ministers under the chairmanship of V. Krištopans (26.11.1998 – 16.07.1999)	21	6	Minister of Economy – I.Ūdre, Minister of Culture K.Pētersone, Minister of Justice – I.Labucka, State Minister on State Revenues – A.Poča, Environment State Minister I.Vaidere, State Minister of Higher Education and Science T.Koķe
Cabinet of Ministers under the chairmanship of A. Šķēle (16.07.1999 – 05.05.2000)	14	2	Minister of Education and Science S.Golde, Minister of Culture K.Pētersone
Cabinet of Ministers under the chairmanship of A. Bērziņš (05.05.2000 – 07.11.2002)	14	2	Minister of Culture K.Pētersone, Minister of Justice I.Labucka

60. There are no restrictions imposed on women as concern posts in the Civil Service of the country. Under Article 7 of the Law "On State Civil Service", a person who wishes to become a civil servant, must comply with the following requirements:

1) the person must be a citizen of the Republic of Latvia;
2) must have a perfect command of the Latvian language;
3) must have highest education;
4) has not yet reached the retirement age established by law;
5) has not been sentenced for intentional criminal offence, or has been rehabilitated or the person's criminal record has been removed or deleted;
6) has not been dismissed from the post of a civil servant following a court judgement in a criminal case;
7) the person's incapacity has not been recognised in compliance with the procedure prescribed by law;
8) is not and has not been a staff official of the security services, intelligence services or counterintelligence services of the USSR, the LSSR or a foreign country;
9) is not and has not been a member of organisations prohibited by laws or court judgements;
10) is not a relative of the manager of an institution or the direct superior (a person who is married to a civil servant, who is an in-law or a relative of the first degree as well as brothers and sisters). The Cabinet of Ministers may establish exceptions in cases when the respective institutions are not able to ensure the performance of its functions in any other way.

61. Although no legal or political restrictions have been imposed in respect of gender, currently the representation of women in comparison with the representation of men neither at legislative institutions nor executive agencies is proportional.

62. The table presents a summary of statistical data on the employment of men and women not only at public agencies, but also all areas of national economy, trade, manufacture and services (in thousands of people).

	Men						Women					
	1995	1996	1997	1998	1999	2000	1995	1996	1997	1998	1999	2000
Employed in all types of activities	534.3	520.0	527.8	537.1	535.1	533.5	511.3	497.7	509.0	505.9	502.7	504.4
Agriculture, hunting and forestry	118.7	114.3	115.7	112.6	107.2	94.9	69.5	66.9	70.9	65.6	64.1	57.7
agriculture and hunting	105.9	101.6	102.8	99.9	94.0	81.4	67.8	65.2	69.2	63.9	62.4	55.3
forestry	12.8	12.7	12.9	12.7	13.2	13.5	1.7	1.7	1.7	1.7	1.7	2.4
Fishing	4.5	4.4	4.8	4.8	4.5	4.6	0.7	0.7	0.7	0.7	0.7	1.7
Industry – total	118.3	111.2	114.9	107.3	105.8	107.9	95.4	90.7	94.3	85.1	78.8	80.0
mining industry and quarries	2.2	2.2	1.7	1.3	1.5	1.5	0.9	0.9	0.6	0.4	0.5	0.5
processing industry	102.7	94.6	97.9	92.0	91.0	93.6	90.7	85.3	89.0	79.7	73.2	74.4
electric power, gas and water supplies	13.4	14.4	15.3	14.0	13.3	12.8	3.8	4.5	4.7	5.0	5.1	5.1
Construction	48.1	49.0	52.2	54.4	54.9	56.1	8.3	8.5	8.3	9.0	8.9	9.1
Wholesale and retail sale; repairs of automobiles, motorcycles, utensils for individual use and household appliances and equipment	56.9	51.2	57.9	68.2	69.7	73.9	89.7	85.2	94.0	100.3	100.2	100.0
Hotels and restaurants	5.8	5.2	5.3	4.8	5.4	5.7	17.2	15.3	15.6	17.6	18.5	19.9

Transport, storage and communications	60.7	59.4	59.2	59.6	58.1	56.3	31.3	30.6	29.8	30.4	30.1	29.1
Financial mediation	4.8	5.0	5.1	5.6	5.1	5.4	9.1	9.7	10.0	9.7	10.4	11.0
Transactions in real estate, lease and other commercial activities	27.6	22.6	21.6	26.8	31.0	32.3	22.6	18.5	16.5	20.3	21.7	24.7
Public administration and defence; compulsory social insurance	33.6	35.9	36.9	37.3	35.8	35.9	23.5	25.1	26.2	26.3	28.1	27.6
Education	18.9	18.9	18.1	19.2	19.0	18.7	71.6	71.3	73.0	70.7	70.0	68.7
Health and social care	10.7	10.3	10.0	10.2	10.1	8.3	54.1	51.8	51.0	51.5	51.1	50.7
Other utilities, social and individual services	25.7	32.6	26.1	26.3	28.5	33.5	18.3	23.4	18.7	18.7	20.1	24.2

63. As at the decision-making institutions the power of influence that is largely determined by the woman's experience, her feeling of life and her assessment of the social life is practically not balanced, there are no grounds to maintain that decisions taken at the national level represent all kinds of opinion. In this respect non-government organisations in Latvia, which are led by women, are becoming more active.

64. The Table shows proportion of women in the State police (in Latvia together, in Riga and in the regional police boards) during the period from 1995 till 1 January 2002.

	1995 (%)	1996 (%)	1997 (%)	1998 (%)	1999 (%)	2000 (%)	2001 (%)
Latvia	13.7	14.2	16.5	18.1	18.2	19.1	19.2
Riga	20.6	22.3	23.3	22.9	24.2	24.9	26.2
regions	11.4	14.7	14.7	14.5	14.5	15.5	15.4

65. Police staff-members are awarded special service ranks, depending on which the staff-members are divided into two groups – sergeants and officers. The Table shows proportion of women in each group.

		1997 (%)	1998 (%)	1999 (%)	2000 (%)	2001 (%)
Latvia	officers	23.5	26.5	25	26.5	25
	sergeants	9.6	9.8	11.4	11.7	13.5
Riga	officers	35	35.2	30.3	31.7	28.8
	sergeants	11.6	10.6	18.2	18.2	23.7

Right of women to participate in the work of non-governmental organisations

66. The participation of women in activities of non-governmental organisations is not restricted. The Law "On Non-Governmental Organisations and their Associations" stipulates that a person who has reached the age of 16 may be a member of a non-governmental organisation and all members of a non-governmental organisation enjoy equal rights.

ARTICLE 8

67. Unrestricted rights of women to represent the country at the international level and to participate in the work of international organisations ensue from the fact that there are no restrictions imposed on the participation of women in the political life of the country. Legislative acts that regulate the representation of the country at the international level do not prescribe any restrictions concerning the gender of the person representing the country.

68. Currently Latvia is represented internationally at the Presidential level by Vaira Vīķe-Freiberga – President of the State, as well as Ministers of Culture and Justice within the frame of their respective competence.

69. In compliance with the Law "On Diplomatic and Consular Service", any citizen of Latvia who holds a post of a civil servant in the central office of the Ministry of Foreign Affairs or diplomatic consular representative offices abroad, may serve in the diplomatic service of Latvia.

70. In addition it must be pointed out that a comparatively large number of women serve in the diplomatic service of Latvia, representing Latvia in the capacity of Ambassadors as well as other diplomats. In 2001 there were 61.1% of women working in the system of the Ministry of Foreign Affairs, of the total number of officials working at representations of the country abroad, 52.4% were women. Five Ambassadresses represent the Republic of Latvia at the ambassadorial level (the Ambassadress to Austria, Liechtenstein, Slovakia, Slovenia and Hungary, the Ambassadress to France, the Ambassadress to Croatia and the Czech Republic, the Ambassadress to Spain and the Ambassadress to Lithuania) constituting 13.7% of the total number of Ambassadors of Latvia. In addition at present Latvia has women-representatives at the UNESCO and a permanent Charge d'Affairs at the World Trade Organisation. It must be noted that the above countries and international organisations are important co-operation partners for Latvia and thus the representation of the country is a significant step forward towards the quality of women in representing the government at the international level.

71. Diplomatic representatives of Latvia, serving abroad, receive benefits, thus providing them the possibility of arriving and living in the country of residence together with their families, likewise tuition fees are paid for children of diplomats while they attend comprehensive schools and are in the care of their parents. The payment of these compensations and benefits depends on the place of diplomat's service, his/her diplomatic rank and position, and it is in no way affected by person's gender.

ARTICLE 9

72. The issue of acquiring, granting and depriving a person of the citizenship (nationality) in Latvia is regulated by the Citizenship Law of 11 August 1994, which has been formulated in 1998, taking into account norms of international law, and has been harmonised with recommendations of European institutions.

73. The Citizenship Law of Latvia stipulates that the acquisition, change and retention of the citizenship are the manifestation of the free will of every individual. Irrespective of the nationality and gender, a person is eligible to the Latvian citizenship if the person can prove his/her affiliation to the Latvian citizenship in compliance with the procedure prescribed by law. Upon waiving the citizenship of Latvia, the person has the right to change the citizenship, irrespective of the person's gender. The Citizenship Law provides the following ways for obtaining citizenship: naturalization, recognition of citizenship, registration of citizen's status and renewal of citizenship.

74. Any person who has reached the age of 15 years may apply for citizenship, observing the following conditions:

a) on the day of application for naturalization the applicant's permanent domicile is Latvia and has been for at least five years;
b) the applicant speaks Latvian, knows the basic provisions of the Constitution of the Republic of Latvia, text of the national anthem and Latvian history (the applicant for citizenship must pass the relevant test);

c) the applicant or his/her guardian has a legal source of income;

d) the applicant is not subject to restrictions of naturalization – Latvian citizenship may not be granted to persons who have, by unconstitutional methods, acted against the independence of the Republic of Latvia, the democratic parliamentary structure of the State or the existing State power in Latvia, if such has been established by a judgment of a court; after 4 May 1990, have propagated fascist, chauvinist, national-socialist, communist or other totalitarian ideas or incited ethnic or racial hatred or discord, if such has been established by a judgment of a court; are officials of state power, administration or law-enforcement institutions of a foreign state; serve in the armed forces, internal military forces, security service or police (militia) of some foreign state; after 17 June 1940, have chosen the Republic of Latvia as their place of residence directly after demobilisation from the armed forces of the U.S.S.R. (Russia) or the internal military forces of the U.S.S.R. (Russia), and who did not, on the day of their conscription into service or enlistment, permanently reside in Latvia; have been employees, informers, agents or safe-house keepers of the U.S.S.R. (L.S.S.R. [Latvian Soviet Socialist Republic]) K.G.B. [*Komitet Gosudarstvenno Bezopasnosti* (Committee of State Security)], or of the security service, intelligence service or other special service of some other foreign state, if this fact has been established in accordance with the procedures prescribed by law; have been punished in Latvia or some other state for committing an offence which is also a crime in Latvia at the moment the Citizenship Law entered into force; after 13 January 1991, have worked against the Republic of Latvia in the C.P.S.U. [Communist Party of the Soviet Union] (L.C.P. [Latvian Communist Party]), the Working People's International Front of the Latvian S.S.R., the United Council of Labour Collectives, the Organisation of War and Labour Veterans, the All-Latvia Salvation of Society Committee or their regional committees or the Union of Communists of Latvia.

75. If an adult person is granted Latvian citizenship by naturalization, any minor children of this person under the age of 15 years and permanently residing in Latvia automatically acquire Latvian citizenship at the same time.

76. A child born in Latvia after 21 August 1991 is recognized as a Latvian citizen, provided:

a) his/her permanent place of residence is Latvia;

b) he/she has not been imprisoned in Latvia or any other country for more than five years for having committed a crime;

c) he/she is stateless person or a non-citizen.

77. Pursuant to Article 2 of the Citizenship Law, Latvian citizens (persons who gain the status of a Latvian citizen by registration) are:

a) persons, who were Latvian citizens on June 17, 1940, and their descendants who have registered in accordance with the procedures set out in law, except persons who have acquired the citizenship (nationality) of another state after May 4, 1990;

b) Latvians and Livs whose permanent place of residence is Latvia and who do not have citizenship (nationality);

c) women, whose permanent place of residence is Latvia and who, in accordance with Section 7 of the "Law on Nationality" of the Republic of Latvia of 23 August 1919, had lost their Latvian citizenship (nationality) and their descendants, if these persons have registered in accordance with the procedures set out in law, except for persons who have acquired the citizenship (nationality) of another state after 4 May 1990
d) persons whose permanent place of residence is Latvia and who have completed a full education programme at a general education school with Latvian as a language of instruction or at a general education two-stream school, in Latvian stream, obtaining primary or secondary education at such a school, provided they do not hold citizenship of another country. If an adult person registers citizen's status in accordance with this provision, citizenship is also granted to his/her minor children under the age of 15 years and permanently resident in Latvia;
e) children found in the territory of Latvia and whose parents are not known;
f) children without parents and who reside in Latvia at a children's home or a special boarding school;
g) children born of parents both of whom were citizens of Latvia at the time of such birth, irrespective of the place of birth of such children.

78. Article 25 of the Citizenship Law provides that Latvian citizenship may be restored by persons who have lost their Latvian citizenship as a result of the choice made by his or her parents or adopters, legal error or an illegal revocation of citizenship.

79. According to statistics provided by the Naturalisation Board, women show higher social activity in the process of naturalisation, which is based on the free will and choice of the individual. By 31 October 2001 the Naturalisation Board had received 48,843 applications to be granted the citizenship of the Republic of Latvia of which 30,480 or 68.8% of the total number of applications had been submitted by women.

80. Under the Citizenship Law, the citizenship of Latvia may be granted also for special merit for the benefit of Latvia, the decision is taken by Deputies of the Saeima on the basis of the application of the said person. More men than women in percentage terms have been granted the Latvian citizenship under this procedure and it is related to the fact that society has higher esteem for politicians, businessmen and sportsmen, *i.e.*, professions where men at present dominate. However it must noted that each candidate to receive citizenship for special merit is assessed on individual basis.

81. As concerns the marriage of a citizen of Latvia to a foreigner, the Citizenship Law stipulates that concluding marriage with a foreigner or a stateless person, as well as the dissolution of such a marriage do not incur the change of the citizenship for citizens of Latvia. Likewise if one of the spouses acquires or loses the citizenship of Latvia, the citizenship of the other spouse does not change.

82. The Citizenship Law does not prescribe any discriminatory restrictions for women in their relations with men in the case of determining the citizenship of

their child. Article 3 of the Citizenship Law stipulates that if at the moment of the birth of the child one of the child's parents is a citizen of Latvia, while the other is a foreigner, the child is a citizen of Latvia, if the child was born in Latvia, or of the child was born outside Latvia, if at the time of the child's birth Latvia was the place of permanent residence of his/her parents or one of the parents whom the child resides with. In the above cases parents also may, by mutual agreement, choose the citizenship of the other country (not Latvia) for their child.

83. If at the moment of the child's birth one of the parents is a citizen of Latvia while the other is a foreigner and the permanent place of residence for both parents is outside Latvia, parents determine the citizenship of the child by mutual agreement. In its turn, if at the moment the child's birth, one of the parents is a citizen of Latvia while the other is a stateless person or unknown, the child is a citizen of Latvia irrespective of his/her place of birth.

ARTICLE 10

Right of women to education

84. The right of the woman to acquire education in Latvia without discrimination is guaranteed at the constitutional level. The Satversme (Constitution) stipulates that each person has a right to education and the state provides the right to every person to receive primary and secondary education free of charge. In compliance with the Satversme (Constitution) primary education is compulsory.

85. The Education Law of Latvia prescribes that every citizen of Latvia and every person who has a right to a passport of a non-citizen issued by the Republic of Latvia and who has received the permit of permanent residence, as well as nationals of the European Union member States who have received temporary residence permits and their children, enjoy equal rights to access to education, irrespective of their material and social status, race, nationality, gender, religious and political affiliation, the health condition, occupation and place of residence. In compliance with the above law and the Satversme (Constitution) primary education or the continuation of primary education till the age of 18 is compulsory in Latvia.

86. The Education Law stipulates that there shall be no gender-based division in access to education in Latvia. Everybody enjoys equal opportunities in access to education and achieving diplomas irrespective of the gender. The accessibility of the same curricula for all students of the respective educational programme is ensured by national standards in education.

87. Latvia has established several stages of general education. They are pre-school education, primary education and secondary education.

88. The Law "On General Education" stipulates that children under the age of seven cover the pre-school educational curriculum. No gender restrictions have been established at this stage. Children are admitted to pre-school educational institutions of local governments according to the sequence of

submitting applications. In its turn, a child is admitted to a special pre-school educational group for special pre-school education on the basis of the application submitted by parents (guardians) and the statement of the state or local government pedagogical medical commission.

89. Under the Law "On General Education", in Latvia primary education may be acquired at an educational institution offering a primary educational curriculum, as well as at vocational school, a special educational institution, night (part-time; shift) school, at a boarding school, an educational institution or class of social or pedagogical correction. In Latvia primary education is compulsory without gender- based restrictions and educational institution offering primary school curriculum may not organise entrance tests for admission of pupils to grades 1 – 9.

90. Under the Law ""On General Education", any person who has received a primary educational certificate, has the right to start secondary general education without any age restriction. There are no gender-related restrictions concerning the acquisition of general education. State and municipal general educational institutions have a right to hold entrance tests in compliance with the national primary education standard for admission of pupils to grade 10.

91. Likewise women can study without any gender restriction in special educational programmes, providing education for the development of general practical labour skills and of vocational nature to students with mental and physical development disorders and special needs. The implementation of the special educational programme corresponding to the type of students' development disorders, their abilities and their health conditions are established by the pedagogical-medical commission. In the study year of 2000/2001 10,250 pupils, among them 3,933 girls (38%) studied at special educational institutions and special classes at general educational institutions in Latvia.

92. As regards professional orientation of students and their choice of profession, it should be emphasised that since 1987 Centre for Choice of Professional Career functions in Latvia, which provides qualified assistance to everyone in one's effort to find most appropriate career. In school year 2000/2001 48,625 students, among them 21,287 (43%) women, studied at professional educational institutions. In the academic year 2000/2001 higher educational institutions in Latvia were attended by 101 270 students, of whom 62 182 were women (61%).

93. There are no restrictions for women to study at sectoral educational institutions. Thus 20% of students at Police School are women; women form 40% of full-time and 27.5% of part-time students at Police Academy. There are no seperate educational programmes for women in these institutions, the only difference is in the subject "general athletics" – different requirements are set in various sport disciplines taking into account physiological particularities of women.

94. There are no restrictions instituted for women in access to education and achieving diplomas in Latvia (see the table for details).

	number of pupils	number of girls	number of girls %
2000/2001 study year			
Attend comprehensive (day) schools	344,822	173,238	50.24
1999/2000 study year			
Number of pupils who have completed Grades 1 – 4 at comprehensive (day) schools	133,039	64,542	48.51
Number of pupils who have completed Grades 5 – 9 at comprehensive (day) schools	159,601	78,128	48.95
Number of pupils who have completed Grades 10 – 12 at comprehensive (day) schools	341,788	172,523	50.48
Number of graduates at night (shift) school)	11,765	5,844	49.67

95. Access to higher education in Latvia is regulated by the Law "On Higher Educational Institutions", providing that every citizen of Latvia and every person who has a non-citizen's passport issued by the Republic of Latvia as well as persons who have permanent residence permits have a right to study at a higher educational institution. Admission to higher educational institutions is effected according to the admission procedure based on results of national centralised examinations.

96. There are no discriminatory norms against women concerning starting studies at later stages of studies. The Law "On Higher Education" stipulates that it is possible to start studies at later stages of studies, provided examinations of the preceding stages in the respective study programme have been passes in another higher educational institution or they are taken in addition at the respective higher educational institution.

97. In the academic year of 2000/2001 there were 464 various study programmes and 166 academic programmes, 247 professional study programmes and 51 doctoral study programme implemented at higher educational institutions. Taking into account the same study programmes, which are offered by several higher educational institutions, the total number is 556, of which 499 are implemented at state higher educational institutions, 57 – at higher educational institutions founded by legal persons. Over the recent years a trend has emerged that the number of students in professional study programmes is increasing. In 2000 44% of the total number of individuals who received degrees or qualifications, received professional qualifications. There is an increase in the number of those who have received Master's degree and professional qualifications after studies at the highest level. There has been no evidence of discrimination against women in any of the above programmes.

98. No separate education for girls and boys exists in Latvia, it is not stipulated by the effective legislation. Due to this reason, there are no schools of different quality in Latvia; boys and girls enjoy equality in access to school premises, equipment and the teaching staff. As admission rules to educational institutions do not stipulate any admission restrictions based on gender, and admission to educational institutions is effected on the basis of a competition procedure or proceeding from the pupil's place of residence, girls have access to any speciality at vocational educational centres, colleges and higher educational institutions.

Measures taken by the educational institutions to eliminate negative stereotypes

99. The current content in general and special study subjects envisages the elimination of the concept of male and female stereotypes. The Centre for Education and Curriculum Development has developed a project within the frame of the national basic educational standard and the study standard "Civil Studies for the 9th Grade", "Politics and Law for Secondary School" and the standard of Studies, which envisages that pupils will acquire notions and understanding on relevant social political issues in the course of Social Studies-Civil Studies. The course will also focus on issues related to women's rights and responsibilities, at the primary school level it is more of an informative nature while in the course "Politics and Law " for secondary schools equality issues will be discussed in greater detail. Currently teachers who have respectively upgraded their qualifications or acquired respective higher education in law or social sciences teach these courses.

100. In addition during the academic year of 2001/2002 the University of Latvia provides an opportunity for students taking a professional course in law to study also methodology for teaching the study course "Rights for All", intended for secondary schools.

101. Likewise the Centre for Examination and Curriculum Development at the Ministry of Education and Science has introduced various innovations at schools in Latvia in the process of developing a new content of studies and a system for testing the knowledge and skills of children, which is more in line with the present time. For example, in 1994 guidelines for studying "Health Studies" were formulated. At secondary schools the above subject has been introduced as an optional subject. The introduction of this subject at schools will have a direct impact on the formation of the woman's self-confidence and personal stability. Latvia's Association for Family Planning and Sexual Health *"Papardes Zieds"* believes that subjects concerning sexual health and family planning may not be optional and should be taught as compulsory (not only at institutions of general education, but also at institutions of professional educations). Latvian Association for Gender Equality in its comments points out that "Health Studies" are not taught at vocational educational institutions, technicums and special educational institutions and that this subject would strengthen women's self-confidence and stability only if tutors had proper training and necessary methodology.

102. As concerns the elimination of the stereotype of male and female roles at all levels of education, Regulations of the Cabinet of Ministers No.462 "On

National Standards for Basic Education" (05.12.2000.) stipulate that one of the main tasks of programmes for basic education is to form an understanding about the main natural and social processes, moral and ethical values, to ensure the possibility for a citizen of Latvia to acquire the necessary knowledge and values of democracy. In their turn, the Regulations of the Cabinet of Ministers No.463 "On National Standard for General Secondary Education" (05.12.2000.) identifies also the formation of the skill of participating in processes of civic society with a positive and respectful attitude towards oneself and others as one of the main tasks of general education. In the field of vocational education the Regulations of the Cabinet of Ministers No. 211 "On National Standard for Vocational Secondary Education" (27.06.2000.) lists the formation of the student's positive attitude towards other people and the state as one of the main objectives of this type of education, stimulating the person's self-confidence and the ability to undertake responsibilities of a citizen of Latvia.

103. Latvian Association for Gender Equality is of the opinion that roles of both genders as reflected in textbooks and different materials are not balanced and further efforts are required in this area.

Right to receive study and student's loan

104. According to the Satversme (Constitution) the state provides free access to primary and secondary education. At the same time there are private primary and secondary educational institutions in Latvia, which have a right to demand tuition fees from their pupils. State and municipal special educational institutions are financed by grants from the national budget.

105. A natural person, irrespective of the person's gender, may study at higher educational institutions at the expense of the national budget only once. In 2000/2001 academic year 33% of the total number of students in Latvia studied at the expense of the national budget; natural or legal persons financed studies of 66% of the total number of students. The number of paying students tends to increase.

106. In 1999 tuition fees constituted 21% of the funding of state higher educational institutions. Tuition fees depend on the specific higher educational institution and the programme.

Tuition fees at higher educational institutions of Latvia in 2000/2001 academic year (LVL)

	Bachelor Programme	Master Programme	Professional Study Programme
Day Department (the first year of studies) (full – time studies)	100-1802	200 - 1200	50-1802
Night Department (part – time studies)	380-413	60-900	160-990
Correspondence Department (correspondence studies)	120-600	200-600	50-600

107. It is possible for a student in Latvia to take a study and student's loan. The student's loan is envisaged for covering the social needs of the student while the study loan is intended for the payment of the tuition fee. The procedure for granting loans is prescribed by Regulations of the Cabinet of Ministers "On Procedure for Granting, Repaying and Discharging a Study Loan and a Student's Loan from Resources of Credit Institutions with a State-Provided Guarantee". These loans are issued following the warranty of two natural persons, the loan is granted by a credit institution; to students from poor families loans are granted after receipt of a warranty from the respective local government. There are no gender-related restrictions in granting the above loans.

Continuing education

108. The Law "On General Education" stipulates an equal right to everybody in acquiring education as well as in continuing educational in all state-accredited study programmes. Standards of education at various levels provide a possibility for the student to continue further education and for life-long learning. No gender differences exist in Latvia as concerns the continuation of educational as well as in having access to education.

109. No gap exists between the knowledge of men and the knowledge of women in Latvia (see the table). According to the table, more women in percentage terms acquire higher education than men, at all other levels of further education their number is approximately the same as the number of men.

2000/2001 study year

	number of students	of whom women (girls)
Special educational institutions, special classes at comprehensive educational institutions	10,250	3,933 (38%)
Vocational educational institutions	48,625	21,287 (43%)
Higher educational institutions	101,270	62,182 (61%)

Education of persons who have dropped studies

110. No special study programmes have been formulated in Latvia for girls who have not graduated school or have dropped studies at school altogether. Adults can acquire or complete primary education or acquire secondary education at night schools. In the 2000/2001 study year 14996 pupils, among them 7147 girls, attended night (shift) schools of general education in Latvia; 37 pupils (14 girls) of the above total number attended grades 1 – 4; 1943 pupils, among them 657 girls studies in grades 5 – 9; 13016 pupils, including 6476 girls, studied in grades 10 – 12.

111. In the 1999/2000 study year 9572 pupils, among them 4152 girls, were discharged from general education day schools (grades 1 – 12). The main causes of the discharge of pupils from vocational educational institutions were: the transfer of pupils to other schools (834), sickness (199), poor progress in studies (1996), failure to attend the educational institution (1292), the change of the place of residence (109), family reasons (968), other reasons (1287).

Right to participate in sport activities

112. In Latvia in accordance with the educational programme implemented by the educational institutions, everybody has access to active participation in sports and physical training programmes. According to Regulations of the Cabinet of Ministers sports is included in the compulsory content of national standards for primary education, general secondary education and vocational education at all levels.

113. Boys and girls enjoy equality in access to participation in sports activities and activities of physical culture. The draft Law "On Sports", approved by the Cabinet of Ministers in 5 June 2001, does not prescribe any limitations that might be related to gender discrimination.

Right to receive information on family health issues

114. Issues of family health are addressed by the subject of "Health Studies" as well as in general educational subjects as stipulated by standards for education at different levels.

115. The Health Promotion Centre, the National Family Health Centre, Latvia's Association for Family Planning and Sexual Health provides access to information on family health, ensuring the welfare of the family, family planning. A Law "On Sexual and Reproductive Health of the Population" has been adopted and enters into force on 1 July 2002.

116. The Riga City Maternity Hospital organises activities for the strengthening of the family and stimulating the birth rate: sets of practical classes and lectures on family delivery, the development and nutrition of neonates, relations in the family that expects a child. A Mother's School has been opened at the Maternity Hospital and an increasing number of people attend activities of this school. A certified accoucher, a neonatologist, a consultant on family relations hold classes.

117. The Riga City Maternity Hospital in co-operation with the Health Promotion Centre has prepared two films ("Christmas Miracle" and "It will be the way you want") for the education of families. During the period of pregnancy women are offered Mummy's Diary; the young mothers as well as the medical staff taking care of pregnant women are satisfied with the appearance of this diary. A woman's health office has been opened, which is, in most part, intended for the education of pregnant women and their family members.

118. Lectures and practical classes on family planning are organised in co-operation with the Institute of Women's Rights. Co-operation is developed also with non-governmental organisations (for example, the "White House" in Līvāni) – lectures on family planning are delivered. The United Nations Human Resources Fund in co-operation with the Association on Family Planning and Women's Health of Latvia "Papardes zieds" implemented a project "Training the co-ordination for promotion of gender equality in the field of reproductive health". A special Association for Promoting Breast Feeding has been established at the Ministry of Welfare and is quite successful in this area.

119. A special team of doctors (gynaecologist, andrologist, genetics specialist, psychotherapist, sexologist, laboratory specialist, diagnostics specialist, immunologist) has been established at the National Family Health Centre for the treatment and rehabilitation of families suffering from infertility. Algorithms for the examination and rehabilitation of infertile families have been developed. Software has been developed for analysing causes of male and female infertility. A set of lectures for family doctors on the prevention of sexual-transmissive diseases has been developed in co-operation with the Centre on Sexual-Transmissive and Skin Diseases.

ARTICLE 11

120. The Satversme (Constitution) of Latvia guarantees the right to free choice of profession and employment to every individual in accordance with the person's abilities and qualifications. The Satversme (Constitution) also includes the prohibition of coercive labour.

Right to work; prohibition of discrimination in labour relations

121. In Latvia the right to work as an unalienable right is guaranteed to women the same as to men. Article 1 in the Labour Code of Latvia stipulated, that "in the Republic of Latvia natural persons are ensured equality in labour relations irrespective of their race, colour of skin, gender, age, religious, political or other affiliation, national or social origin, and the material situation."

122. In its turn, the Labour Law[3] stipulates that every individual enjoys equal rights to work, fair, safe working conditions that are not hazardous for health, as well as to a fair remuneration for work. In compliance with the Labour Law these rights must be ensured without any direct or indirect discrimination, irrespective of their race, colour of skin, gender, age, religious, political or

[3] The Labour Law becomes effective as of 1 June 2002, the Labour Code becoming invalid.

other affiliation, national or social origin, the material situation or the family status or other circumstances. To ensure these rights it is also prohibited to penalise an employee or in any other way to directly or indirectly incur consequences unfavourable for the person because the employee exercises his/her rights in a permissible manner within the frame of labour relations.

123. Most frequently violations of the principle of equality and non-discrimination are possible at the stage of establishing employment relations. In order to prevent this, the Labour Code stipulated that no direct or indirect restriction in rights is permissible neither it is permissible to establish direct or indirect privileges depending on race, colour of skin, gender, age, religious, political or other affiliation, national or social origin, and the material situation with the exception of those restrictions and privileges that are prescribed by laws and other normative acts.

124. The Labour Law also includes the prohibition of unequal treatment – unequal treatment on the grounds of gender is prohibited upon establishing employment relations as well as during the existence of employment relations, in particular in the vent of promoting and employee, determining the working conditions, remuneration for work or vocational training, as well as in the event of terminating an employment contract. It also defines indirect discrimination as a situation when evidently neutral terms, criteria or practice cause unfavourable consequences for a considerably larger part of persons belonging to one gender, except the case when such terms, criteria or practice are suitable and necessary and may be justified by objective circumstances that are not related to the gender. According to norms of this Law, differences in treatment related to the gender of the employee are allowed only if belonging to a specific gender is an objective and justified prerequisite for the performance of the respective assignment or the respective occupation. Besides the Law also stipulates that if in the event of a dispute the employee indicates circumstances that may be the grounds for the person's direct or indirect discrimination on gender grounds, the duty of the employer is to prove that differences in treatment are based on objective circumstances that are not related to the employee's gender or that the belonging to a specific gender is an objective and justified prerequisite for the performance of the respective assignment or the respective occupation.

125. The Labour Code did not prescribe requirements in respect of the criteria for the selection of employees. The Labour Law, in its turn, includes the prohibition of gender discrimination in selecting employees. It is stipulated that advertised job offers must not apply only to men or only to women, except cases when belonging to a specific gender is an objective and justified prerequisite for the performance of the respective assignment or the respective occupation. However, advertisements specifying preferable gender of the candidate still appear in mass media. Latvian Association for Gender Equality in its comments points out that notwithstanding prohibition of gender-based discrimination, established in existing legal acts, surveys and researches reveal that some employers avoid employing women – mothers of small or several children, particularly after long-term child care leave.

126. If upon the establishment of employment relations the employer has violated the prohibition of unequal treatment, applicants have a right to demand a respective indemnity in compliance with the Labour Law. In the event of a dispute the size of the indemnity is established by court at its discretion. If employment relations have not been established due to the violation of the prohibition of unequal treatment, applicants have no right to demand that the establishment of these relations be enforced. Latvian Association for Gender Equality points out that in Latvia as in other countries it is difficult to prove the fact of gender-based discrimination since it may be hidden and based both on person's gender and age. The Association further indicates that in such cases it is possible to submit individual application to the National Human Rights Office or State Labour Inspection. The Association believes that lack of information and lack of efficient and fast mechanism for solution of the problem are main reasons for such discrimination.

127. In the event of any violation of the woman's rights in the area of employment, the person has a right to seek remedy in court according to the civil procedure. Under the Civil Procedure Law, any natural or legal person who is of age and having full legal capacity may submit a claim to court to protect his/her civil rights that have been violated. There are two judgements of the national courts concerning violation of principle of gender equality. In one case the court referred to the Convention, the Constitution and the Labour Code and concluded that refusal to hire woman as a prison guard due to the fact that she was a woman and work of a guard would be physically hard was a violation of the applicant's right to freely choose her profession and place of employment. In another case the court concluded that fixing lower salary for woman for the same work, if compared with men's salary, was not compatible with the prohibition of discrimination and the right to equal remuneration for equal work. Such court practice shows that gender equality in such important area as labour relations is ensured not only by legal acts but also in practice, thus guaranteeing tangible implementation of the said principle.

128. According to the information submitted by the National Human Rights Office only very few complaints concerning clear cases of gender-based discrimination are submitted to the Office (in 2000 – 4, in 2001 – 2 complaints), however this aspect often appears in other complains, for example, complaints about right to fair working conditions, social security or in relation with children's right.

Right to free choice of profession and employment

129. There are no gender-related restrictions imposed in Latvia on the free choice of profession and employment by a person in Latvia. The freedom in choosing a profession is ensured, as it was already mentioned above, by absence of gender-related restrictions on vocational education. The above-mentioned prohibition of unequal attitude in selecting employees can also be applied to the freedom in choosing employment.

130. The legislation of Latvia does not prescribe a difference in career promotion for women and men. Career options, unrestricted on gender grounds, in the private sector are regulated following the principle of prohibiting unequal

treatment. The Law "On Civil Service", in its turn, establishes the procedure for testing the suitability of applicants for the position of a civil servant as well as identifies requirements, which do not include discrimination on gender grounds. The rights of a civil servant include application for the recruitment procedure for vacancies of civil servants of the highest qualification, as well as participation in programmes to acquire knowledge and skills necessary for the performance of official duties.

131. According to information provided by the National Board of Civil Service, as of 31 December 2000 the proportion of men and women in the State Civil Service is 40% and 60% respectively, and this is the largest difference in the proportion of men and women since the introduction of the Civil Service in the country.

132. The analysis of the proportion of women and men by position leads to conclusion that the dominance of men in senior positions continues to prevail although the proportion of women in the said positions tends to grow. For example, in comparison with the situation on 31 December 1999 the proportion of women holding the post of State Secretaries has increased – 16% (2) in 1999 and 27% (3) in 2000. The proportion of women holding the post of Deputy State Secretaries has remained almost unchanged – in 2000 – 36% (10), in 1999 – 37%. The proportion of women holding posts of managers of public administration institutions (including posts of managers of territorial offices) has increased. At the end of 2000 there were 53% (109) women – managers of institutions, that is, by 6% more than at the end of 1999. In comparison with the situation at the end of 1997, the proportion of women in posts of managers of institutions has increased 2.5 times. Significant causes to be mentioned concerning the proportion of men and women and development trends are the fact that women are attracted to the State Civil Service by the stability of work, regular incomes and additional social guarantees, while the decrease in the number of men can be explained by the low remuneration in the Civil Service in comparison with the private sector.

133. Trade unions are active in promoting gender equality in labour relations, in particular Latvian Free Trade Union Association, whose Women's Council was one of the founders of the Latvian Association for Gender Equality; representative of the Women's Council are among members of the Latvian Council for Gender Equality. Latvian Free Trade Union Association has elaborated specific programme for promotion of equality for working women and in 2000 and 2001 it conducted surveys "Working Latvian women in the labour market" and "Gender discrimination at work".

134. Likewise the Labour Code stipulates the right of employees without any gender discrimination to conclude collective agreements on employment, its remuneration and social guarantees. The Labour Law defines the collective agreement in a more specific manner, stipulating, that thus the content of employment relations is regulated, in particular remuneration and the organisation of labour protection, the establishment and termination of employment relations, the upgrading of qualifications of employees as well as

issues related to labour discipline, social protection of employees and other issues related to employment relations, and prescribes mutual rights and responsibilities.

Right to safe working conditions

135. Law "On Labour Protection"[4], enacted in 4 May 1993 prescribed that provisions of the given Law are applied without gender-related restrictions if assignments are executed by employees who have employment relations with employers, irrespective of their status and form of equity; family members on a farm of a peasant or a fisherman who are able of work; persons who are engaged in individual work; pupils, students of secondary special educational institutions and students during their study and production practices; persons who serves their sentences at penitentiaries; persons who are employed while staying at custodial institutions, persons serving in the compulsory state service and in the active labour service.

	1995.g		1996.g.		1997.g.		1998.g.		1999.g.		2000.g.		2001.g.	
	d.	dis.	reg.	.	reg	dis.	reg.	.	reg.	dis.	.	dis.	reg.	dis..
Art 146 Violation on labour protection provisions	3	-	3	-	1	-	3	1	7	4	1	-	7	4

136. The Labour Protection Law also stipulates that it is to be applied in all areas of employment if not provided otherwise by other laws. Besides this Law prescribes that those employees, whom normative acts have provided special protection (persons under the age of 18, pregnant women, women in the postnatal period, the disabled, employees who are included in lists mentioned in Section 2 of Article 7 of the said Law) according to the assessment of the working environment risks and the statement of the doctor, have a right to additional relieves established by the employer.

137. Under the Law "On State Labour Inspection" and Regulations of the Cabinet of Ministers "On State Labour Inspection", the State Labour Inspection exercises supervision over compliance with the above requirements. No statistics on labour safety by gender is available. It can be only added that the largest number of occupational accidents has been registered in the so-called traditionally male industries – timber processing, construction and renovation, food industry and transport, taxi services. The State Labour Inspection provides information and other assistance for employers and employees regarding labour relations and labour protection.

138. It must be noted that according to information received as a result of the questionnaire disseminated by the State Labour Inspection, at present about 55% of employees have no clear notion of normative acts on labour safety. Besides, judging by results of the questionnaire, 61% of employees working at enterprises in Latvia are provided with personal protective equipment, 45% of employers assess risks before handing out protective equipment and 35% of

[4] The Law "On Labour Protection", enacted on 4 May 1993, is effective till 1 January 2002 when the Labour Protection Law, enacted on 6 July 2001 takes effect.

enterprises undertake collective protective activities to prevent risks. The main problems related to labour safety and health protection activities at enterprises are the large financial expenses, access to information, the purchase of non-hazardous technology, lack of a qualified specialists on labour protection, insufficient training and availability of appropriate personal protective equipment.

Right to receive remuneration corresponding to the work performed

139. At the constitutional level the Satversme prescribes the right of every person to remuneration that corresponds to the assignment executed and that is not below the minimum established by the government. Remuneration in the country is regulated on the basis of the minimum monthly salary. It is the lowest monthly salary that all employers must provide to their employees for work with normal working time (40 hours per week). The minimum monthly salary is raised in the country on periodic basis. However it still falls behind the subsistence minimum calculated by the Central Bureau on Statistics[5] (see the table).

Remuneration, minimum monthly salary and subsistence minimum (1993 - 2000)

Year	Average minimum monthly salary per year	Average subsistence minimum per year	Minimum monthly salary as % of subsistence minimum	Minimum monthly salary of people employed in national economy LVL	Minimum monthly salary as % of average monthly salary of people employed in national economy
1993	12.50	37.59	33.3	47.23	26.5
1994	22.00	51.50	42.7	71.87	30.6
1995	28.00	63.82	43.9	89.50	31.3
1996	35.50	73.78	48.1	98.73	36.0
1997	38.00	78.78	48.2	120.03	31.7
1998	42.00	82.43	50.9	133.30	31.5
1999	50.00	83.18	60.1	140.99	35.5
2000	50.00	84.47	59.2	149.53	33.4
2001	55.00	86.93	69.0	160.61 (prognosis)	34.2

140. The Labour Code prescribed general equality of natural persons in labour relations. The said Law also stipulated that upon concluding an employment contract with an employer, the employee has a right to remuneration.

141. The Labour Law stipulates that by the employment contract the employee undertakes to perform a certain assignment, complying with the set procedure of work and instructions given by the employer, while the employer undertakes to pay the negotiated remuneration and to provide fair and safe

[5] The subsistence minimum, calculated by the Central Bureau on Statistics, is a full basket of subsistence minimum goods and services – the amount of goods and services that provides the individual the minimum subsistence level, accepted by the society. Its material content is approved by Decision No.95 of the Council of Ministers in 8 April 1991 however the value of the basket in actual prices is calculated by the Central Bureau on Statistics on monthly basis. Calculations of the subsistence minimum do not include the income tax and the social tax.

working conditions that are not hazardous for health. The employer's duty is to establish equal remuneration for men and women for the same type of assignment or for an assignment of the same value. If the employer has violated provisions contained in relevant Article, the employee has the right to demand remuneration that is usually paid by the employer for the same type of assignment or for an assignment of equal value.

142. For the evaluation of intellectual work the Cabinet of Ministers on 28 May 1996 adopted Regulations No. 185 "Regulations on Basic Methodics for Evaluation of Intellectual Work and Determining of Qualification Categories", which are applicable for evaluation of intellectual work in enterprises, public and religious organisations, political parties etc. Institutions financed from State budget are under obligation to apply said Regulations. Currently drafts Regulations on evaluation of physical work are being prepared.

143. Remuneration for additional work and overtime is also calculated irrespective of the employee's gender.

144. There are several legislative acts in Latvia (for example, Laws "On Judiciary", "On State Control", the Law "On Prosecutor's Office") that regulate remuneration systems for employees of institutions financed by the national budget. In this case remuneration for employees is established depending on the position and the qualification category.

145. Each of the above normative acts establishes the principle of equal remuneration for work of equal value. However, taking into account the fact that remuneration of employees working at various institutions financed by the national budget is regulated by specific legislative acts, this principle is not always complied with and remuneration for work of equal value at various institutions differs. This remuneration is not related to the gender of the person but to the existence of various remuneration systems – the review of basic salaries in these systems was not mutually co-ordinated resulting in considerable differences in basic salaries and other costs for work of equal value. In order to eliminate the existing contradictions and to improve the situation in the area of remuneration, the Ministry of Finance has started work on the implementation of the remuneration reform, which includes the formulation of two new remuneration systems.

146. Under 2001 Law "On State Civil Service" the Cabinet of Ministers adopted Regulations No. 20 "Regulations on remuneration and benefits for State Civil servants" (02.01.2001.). These Regulations establish procedure for determining remunerations and benefits, as well as their amounts, for civil servants until the complete implementation of new system of remuneration for State institutions.

147. Article 85 of the Labour Law stipulated that remuneration for employees of State and local institutions, enterprises and organisations is determined according to the financial means of respective institution, enterprise or organisation by the collective employment contract or individual employment contract regardless of the employee's gender. The same Article provided that

title of the official position, handicraft, profession or speciality is determined by the employer according to the Professions' Classificatory, while qualification categories are afforded according to the work performed. In accordance with Article 36 of the Law "On State Civil Service" and Paragraph 2 of the Cabinet of Ministers Regulations No 185 of 28 May 1996 "Regulations on Basic Methodics for Evaluation of Intellectual Work and Determining of Qualification Categories" the Cabinet of Ministers on 23 October 2001 issued Instruction No 5 "Procedure for evaluation of positions and determining profession qualification categories", where uniform procedure and criteria for evaluation of positions and determining qualification categories applicable with respect to civil service positions are established.

148. Currently the first stage of the reform of the remuneration system is in the process of implementation: the development of a single remuneration system for officials and employees of public administration agencies, constituting one of the elements of the public administration reform. In compliance with the new remuneration system, the remuneration for officials and employees of public administration agencies will be established taking into account the following:

a) qualification categories of positions, which will be determined by assessing the position according to the methodology for assessing positions;
b) qualification degrees of officials and employees, which will be granted on the basis of the methodology for assessing positions.

149. Thus the main criterion in the new system of remuneration will be the contribution of the official and the employee, the improvement of the performance quality and the remuneration of each official and employee will be dependent on the person's performance results. In compliance with the above the new remuneration system will follow the principle of gender equality, the remuneration of a specific person will not depend on the person's race, colour of skin, gender, age, religious, political or other affiliation, national or social origin, and the material situation.

150. There are comparatively few women – employers (see the table).

Distribution of the employed population by status of employment (%)

	Employees		Employers		Self - employed		Unpaid family members, relatives	
	Men	Women	Men	Women	Men	Women	Men	Women
1995	51.7	48.3	70.3	29.7	64.6	35.4	45.3	54.7
1996	51.1	48.9	72.0	28.0	60.3	39.7	46.1	53.9
1997	51.2	48.8	75.6	24.4	54.8	45.2	43.0	57.0
1998	52.3	47.7	69.3	30.7	57.4	42.6	45.9	54.1
1999	51.6	48.4	70.5	29.5	52.2	47.8	44.3	55.7
2000	50.0	50.0	70.9	29.1	51.3	48.7	47.9	52.1

151. According to the information provided by the Central Bureau on Statistics, the average gross monthly salary for women is lower than remuneration received by men in all professions.

Average gross remuneration of men and women employed in national economy

	Women	Men	Salary of women % against salary of men
1995	72.64	92.82	78,3
1996	79.07	100.73	78,5
1997	97.91	122.83	79,7
1998	109.26	137.71	79,3
1999	118.48	148.1	80
2000	126.16	160.45	78,6
2001	133.38	167.67	79.5

152. Problems are related to the gender segregation of the labour market – the division of employment in the so-called "male" and "female" industries. At present mostly women are employed in such industries as education, health care, social care, and their average remuneration as well as opportunities of career promotion are lower than in industries where men dominate.

153. Statistics shows that the majority of women choose to work at public or municipal enterprises that have stable and secure social guarantees although their remuneration is lower. This is one of the examples where indirect discrimination that manifests itself as unequal responsibilities between genders (as women most often have to take care of children, think about social guarantees for the family), transforms itself into indirect discrimination in economic life – due to social causes women have fewer possibilities of having access to areas where work is better paid. At the same time there is a large number of people for whom social contribution payments most frequently are not made and thus these people were are not provided social guarantees, which creates the vicious circle of poverty in rural areas.

154. In order to facilitate the calculation of the statutory social insurance contribution and its payment in compliance with the regulatory enactments and to prevent employers avoiding the given payment, as well as to struggle against hiding the real remuneration of employees, the State Revenue Service has undertaken to exert controls basically in the form of thematic reviews of employers and tax audit. Furthermore, with a view to improve the services to tax payers the following has been done concerning tax administration: acceptance of accounts and declarations, as well as informing, educating and giving consultations to tax payers. Information on the prepared methodical aids and amendments introduced by the State Revenue Service is regularly updated in the home page of the State Revenue Service. In 2002 in the regional offices of the State Revenue Service there were given to tax payers 298 thous. consultations and held 1357 different events of educational character – seminars, lectures, discussions a.o. To improve public relations in the year 2002 the State Revenue Service organized 1915 events of informative character – publications in the press, talks on the radio and television, meetings at schools, with students, non-governmental organizations etc.

155. In order to reveal the cases of the employer not signing a labour contract with the employee, of not calculating wages or in the "Account on the Statutory Social Insurance Contribution from the Employees Income and the Population

Income Tax" indicating the paid wages to the amount of the state fixed minimum wages or below it and the rest of the wages paid in another form, the State Revenue Service has organized thematic reviews (the theme – "Employers") to disclose violations of the given type. About 60% of the reviews are carried out outside the Riga City. In 2002 the State Revenue Service held 13 221 reviews of the theme "Employers" that constituted 64% of all thematic reviews and proportionally it was the theme reviewed most of all. In comparison with 2001 the number of reviews of the theme "Employers" has increased by 16% and violations were disclosed in 7% of the cases. In comparison with the year 2001 the number of disclosed violations has grown by 2%.

156. Every year the State Revenue Service confirms the Procedure of Tax Audit Planning and Accounting pursuant to which among all types of entrepreneurial activities trading companies enjoy the priority with regard to annual audit already for several years. When shortlisting the tax payers for the tax audit the following risk criteria for the selection are applied: information possessed by the regional office of the State Revenue Service on a certain company (business entity) that does not calculate the wages of its employees or the latter is to the amount of minimum wages fixed by the Cabinet of Ministers or slightly above it; there is a large turnover, but a small number of employees; no paid employment has been declared or there are other activities regarded as a risk factor. In 2002 when shortlisting the tax payers for the tax audit 633 companies were regarded to have a risk factor that constituted 58% of all the companies (1096) included in the audit agenda. In 2002 the statutory social insurance contribution was audited in 1152 tax audits, namely, 67% of cases of the total number of tax audits. There were calculated additional 673.2 thous. Lats in this type of payment.

Right to receive labour relieves

157. In Latvia there is no gender-differentiated approach to receiving labour relieves, except cases when it is determined by the physiological peculiarities of preventatives of different genders or the family conditions of the employee, irrespective of the latter's gender.

158. Norms of the Labour Code were applicable to all employees and employers irrespective of their status and form of equity, if employment relations were based on an employment contract. The above Code defined categories of employees who are to have reduced working time – employees from 16 to 18 years of age, employees working in hazardous or difficult working conditions, women who have children under the age of three. Likewise restrictions on night work were established for employees under the age of 18, pregnant women, women with children under the age of three, fathers who bring up a child under three years of age without a mother, as well as guardians of children of the above age. Part-time work is to be established for an employee with the prior agreement of the employer, if it was requested by a pregnant woman, one of the spouses who have a child under the age of 14 or a father who brings up a child without a mother under the age of 14 (a disabled child – under the age of 16), the guardian of a child of the said age or a person who according to a medical statement takes care of a sick family member. Latvian

Association for Gender Equality in its comments points out that according to the survey "Awareness of employers and employees about labour relations" conducted upon the request of the Ministry of Welfare, the level of awareness about these relieves is low.

159. The Labour Law prohibits to employ children in permanent jobs as well as after the receipt of a medical statement to employ pregnant women and women during the postnatal period up to one year, a breastfeeding woman – during the whole breastfeeding period if it is recognised that the performance of the respective assignment endangers the safety and health of the woman or her child.

160. The possibility of coming to an agreement about part-time work has been stipulated by the Labour Law if it is requested by a pregnant woman, a woman during the postnatal period up to one year, a breastfeeding woman – for the whole period of breastfeeding, as well as an employee who has a child under the age of 14 or a disabled child under the age of 16. Besides the refusal of the employee to transfer from full-time work to part-time work or *vice versa* cannot be grounds for the termination of the employment contract or any other restriction of the employee's rights. The Labour Law prohibits employing over time and in night work persons who are under the age of 18, pregnant women, women during the postnatal period up to one year, breastfeeding women – for the whole period of breastfeeding. It is allowed to employ an employee who has a child under the age of three during the night only with the latter's consent. According to the National Human Rights Office the legal provisions about possibility of part-time work for women having children under the age of three years does not function in practice, mainly due to two reasons – the employer does not accept part-time work or the part-time work is formally agreed upon, but the woman continues to work full-time.

Right to paid annual leave

161. The Labour Code stipulated that all employees are granted annual leaves, while retaining the position and the average earnings. The annual leave granted to employees was not less than four calendar weeks, public holidays exclusive. It was not allowed to compensate the leave in cash, except cases when an employee who has not used his/her leave, is dismissed. The leave for the first year of work was granted to employees when they have worked at the respective enterprise, institution or organisation for six months without interruption. The leave for the first year of work if the person has not worked for six months without interruption, could be granted to women before the maternity leave and the childbirth leave or directly after, as well as to women who had children under the age of twelve; to employees who were under the age of eighteen, individuals who had been politically repressed and in other cases provided by law. The leave for the second and subsequent years of work could be granted at any time during the year of work in compliance with the sequence followed in granting leaves. Women who had three and more children under the age of sixteen or a disabled child were eligible to an additional leave of three workdays.

162. The Labour Law stipulates that each employee has a right to an annual paid leave. The said leave must not be less than four calendar weeks, public holidays exclusive. Persons, who are under the age of 18, are granted an annual paid leave of one month. In exceptional cases when granting the annual paid leave to an employee in full in the current year may have an unfavourable impact on the usual progress of work at the enterprise, it is allowed to transfer part of the leave to the following year with the written consent of the employee. These provisions are not applicable to persons who are under the age of 18, to pregnant women and women in the postnatal period up to one year, to breastfeeding women – during the whole period of breastfeeding. The compensation of the annual paid leave in case is not allowed, except cases when the employment relations are terminated and the employee has not used his/her annual paid leave. Contrary to the Labour Code, an additional leave of three days is granted to employees with three or more children under the age of 16 or a disabled child without gender distinction. An employee may request that he/she is granted an annual paid leave for the first year of work if the employee has worked for the employer for less than six months without interruption. The duty of the employer is to grant such a leave in full. A woman is granted her annual paid leave before the maternity leave and the childbirth leave or directly after that at her request, irrespective of the time the woman has worked for the respective employer.

Right to social security

163. The social security policy followed in Latvia identifies the payment of the social tax as the prerequisite for the receipt of the majority of social guarantees.

164. Since the restoration of independence significant changes have taken place in the national social security policy. The legislative base guaranteeing social security required changes as it was not possible to continue providing social guarantees that were provided during the soviet period; likewise with the introduction of market economy principles the population had to assume more responsibility for their own life. Initially the Government tried to continue the policy that would provide maximum sizeable social guarantees (for example, by enacting in 1991 the Law "On State Pensions"). However the implementation of this policy proved to be impossible and threatened to destroy the social assistance budget.

165. The present model of the social security policy is based on the fact that making social tax payments is identified as the prerequisite for the receipt of the majority of social guarantees. Besides the size of these payments also determines the size of benefits, pensions that are to be received. Social tax payments are individualised and payments made by each resident is recorded in his/her personal account at the State Social Insurance Agency. On 13 March 2001 the Constitutional court in its judgement established that even if the employer has not made social tax payments with respect to the employee, the latter is entitled to receive social security services. It was pointed out that the employee is not in the position to influence such behaviour of the employer and is automatically registered as a participant of the social insurance system,

as well as that the State has undertaken to ensure the functioning of the social insurance system and collection of payments.

166. The basic principle of the operation of the social security system is guaranteeing equality in social services, irrespective of the gender, nationality, and religious affiliation. The social security system encompasses two areas – state social insurance and social assistance.

167. Social assistance activities are a component of the social security system, aimed at ensuring the social protection of those inhabitants who have found themselves in poverty or any other social risk situation, and to whom other social security measures do not apply or they have been insufficient. Social assistance functions are divided between the state and the local government. According to the Law "On Social Assistance" main forms of social assistance provided by the state are social case, material assistance and social rehabilitation.

168. Under the Law "On Social Assistance" the right to receive social assistance services is enjoyed by citizens of Latvia, non-citizens, foreigners and stateless persons who have been granted a personal identity code, except persons who have been issued temporary residence permits. This right does not depend on the size of social insurance contribution payments made. In Latvia the social benefit system includes universal state social benefits, which are granted depending on the person's belonging to a respective group of the population, as well as means-tested municipal social benefits.

169.A distinction is made of state social benefits and municipal social benefits. State social benefits are divided in to benefits paid on regular basis and lump sum (one-time) benefits. State social benefits paid on regular basis include:

a) the state social security benefit;
b) the childcare allowance;
c) the family state benefit;
d) the benefit for the compensation of transport expenses is granted to the disabled with motoric disorders and who have received a statement of doctors – experts on the necessity of a specialised transport vehicle (the benefit is paid twice a year);
e) remuneration for guardians;
f) remuneration for foster families;
g) remuneration for guardians for alimentation of a child.

170. Childbirth benefit and funeral benefit are one-time payments.

171. According to the Law "On Social Assistance" local governments are responsible for granting the following social benefits:

a) social assistance benefit for poor families;
b) housing benefit;
c) benefit for nurse.

172. Local governments, taking into account their budgetary situation, may grant other benefits.

173. It should be noted that according to the NHRO, poverty in Latvia has a clear gender feature. When the number of family members increases, the risk of poverty of women increases also. Women having children are poorer that women without children – undertaking to take care for a child restrict economic possibilities of women. Families where woman alone brings up small children are particularly exposed to the risk – father of the child (children) often evades from payment of alimonies, although there is a valid court judgement ordering these payments. Quire often law enforcement institutions are not able to ensure that such judgements are complied with.

174. Social insurance provides social stability and security in the community, guaranteeing each payer of social insurance contributions a compensation of incomes proportional to the contribution payments made at the time when the person loses the present income. Social insurance is a set of activities organised by the state to insure the risk of the person or the person's dependants of losing income from work due to the sickness, disability, maternity, unemployment, old age, occupational accident or occupational diseases of the insured person as well as additional expenditures in view of the death of an insured person or the said person's dependant. Law "On State Social Insurance" defines types of social insurance.

175. According to legal acts currently in force, the three-tier old age pension system exists in Latvia. The tiers of the system are mutually complimentary. Old age pensions can be received if compulsory social insurance contributions have been paid (the first tier of the pension system), by participating in the state pension funds where the pension money is accumulated, ensuring its circulation (the second tier of the pension system, which will start to operate as of July 2001), by investing money in private pension funds (the third tier of the pension system).

176. The amount of the pension depends on the amount of social insurance contributions paid and the length of the payment period. Thus two principles are followed in this respect – "the more you pay the more you get" and "retire later – you will get more".

177. In the state pension system the gender is taken into account only in establishing the retirement age. In 1995 the minimum retirement age for women was 55 years, for men – 60 to 62 years. In 1996 the retirement age for women was raised to 56 years and further, in compliance with the Law "On State Pensions", for half a year with each calendar year till it reaches the level of 62 years. In 2001 the right to old age pension is enjoyed by persons (men and women) who have reached the age of 62 and whose length of the insurance period is not less than 10 years. Persons who have reached the age of 60 have the right to request early retirement if the length of their insurance period is not less than 30 years.

178. Men and women may retire early – two years before the officially established retirement age, if the length of the social insurance period is not less than 30 years. Upon early retirement only 80% of the pension amount granted is paid.

179. As women receive lower salaries than men do, their average pensions are also lower. Latvian Association for Gender Equality in its comments points out that the old-age pension payments for women proportionally to their social insurance contributions are discriminatory due to, firstly, salaries, which for women in average is lower because of professional and sector segregation and, secondly, break in professional career dedicated to care for child, because during this period the State pays social insurance contributions according to the minimum monthly salary, as a result of which the final amount of old-age pension capital is smaller.

Average size of old age pension, LVL per month in actual prices										
	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001
Average for all types of pensions	8.29	10.50	27.00	32.72	38.50	42.42	51.23	58.00	58.54	58.87
men	X	X	X	X	X	44.36	53.78	62.34	62.91	63.19
women	X	X	X	X	X	41.90	50.56	56.56	57.16	57.55
of which:										
old – age pensions	7.42	9.90	27.30	32.60	38.30	42.55	51.57	58.92	59.76	60.27
men.	X	X	X	X	X	44.50	54.20	64.03	65.02	65.51
women.	X	X	X	X	X	41.74	50.44	56.69	57.42	57.91

180. The Law "On Insurance against Unemployment" prescribes the procedure for granting services provided by social insurance in the event of unemployment (insurance against unemployment), the body of persons eligible to this service, their duties and responsibility. Under the above law the following services are provided – the unemployment benefit, the funeral allowance in the event of the death of unemployed person, a grant during the vocational training or retraining of the unemployed. Persons who have been insured against unemployment in compliance with the Law "On State Social Insurance", whose length of the social insurance period is not less than one year (contribution payments have been made for not less than nine months during the preceding year) and who have been granted the status of an unemployed in compliance with the procedure prescribed by the Law "On Employment", are eligible to these services.

181. There is no discrimination on the grounds of gender in granting the status of an unemployed person in compliance with the Law "On Employment". A citizen of the Republic of Latvia or a foreigner (stateless person) who has received the permanent residence permit or who has a stamp of the Population Register with the personal identity code in his/her passport, who is able to work but does not work, is of the working age, who is not engaged in business activities, who is looking for a job, has been registered with the Employment State Service at his/her place of residence and visits the said Service at least once a month, is recognised to be an unemployed person.

182. The person's gender is not taken into account upon losing the status of an unemployed person either. The unemployed person loses the status of an unemployed if the said person concludes a term less employment contract or a

fixed-term employment contract in excess of two months, in compliance with the law is granted the right to the old age pension, is transferred to the full custody of the state, enters the day department of an educational institution, two subsequent times refuses a suitable job offer, two subsequent times refuses to undergo vocational training or retraining, fails to attend vocational training or retraining classes without any justifying reason or fails to execute the employment contract on paid temporary community work, has submitted false information for the acquisition of the status of an unemployed, moves to permanent residence outside the territory of the Republic of Latvia.

183. In compliance with the Law "On State Social Insurance" all persons who have employment relations and specific vulnerable categories of the population who do not have employment relations are subject to insurance against unemployment. These persons are soldiers of compulsory active military service; persons caring for child, who is less than 18 months old; persons receiving sickness benefit.

184. The amount of the unemployment benefit is established, irrespective of the person's gender, in proportion to the length of the person's social insurance period and incomes from which social insurance contributions have been paid.

185. At the end of the year 2001 57.4% of the total number of the unemployed registered with the Employment State Service were women. In comparison with the preceding year, in 2001 the number of unemployed women in the total number of the unemployed has increased by 0.2%. Latvian Association for Gender Equality in its comments points out that often the elderly women lose their jobs or are unemployed for long period of time. Therefore women of pre-pension age should be considered as a social group particularly exposed to the risk of poverty. Due to low level of employment many women of pre-pension age, who are not engaged in labour relations, avail themselves of the opportunity of early retirement, *i.e.*, retirement before the officially established retirement age, in order to receive at least minimum income. According to the survey "Feminisation of poverty: changes of risk factors in Latvian from 1991 till 2000" (requested by the Ministry of Welfare) in 1998 out of all retired women 80% retired before the official retirement age.

186. The high unemployment rate among women is also related to the fact that:

a) until the child has not reached at least the school-going age, employers are unwilling to hire a woman with a child of the pre-school age as it often obstructs the employee's work;
b) upon her return from the childcare leave to the labour market the woman often finds it difficult to adapt as in many cases the professional qualifications have declined during the childcare period and new skills must be acquired that are necessary for work;
c) young women are hired reluctantly, as there is always the possibility that the time may come when the employee takes a leave in view of the birth of her child.

187. The Employment State Service administers the procedure for granting the status of an unemployed, the retraining of the unemployed as well as other

procedures related to the unemployment policy. According to the information provided by the Employment State Service, women have expressed the wish to study, to undergo retraining or the upgrading of qualifications about twice more often than men; the Employment State Service has also sent more women than men for training, retraining or upgrading of qualifications (see the table).

Wish to undergo training, retraining or to upgrade qualifications			
Year	Total	of whom: women	of whom: men
1995	13857	8374	5483
1996	16589	10291	6298
1997	15337	10128	5209
1998	24542	16243	8299
1999	29395	18512	10883
2000	28025	17488	10537
2001	31192	19358	11834
Sent for training, retraining or upgrading of qualifications			
Year	Total	of whom: women	of whom: men
1995	6339	4206	2133
1996	8831	5562	3269
1997	7950	5049	2901
1998	16602	11671	4931
1999	9704	6186	3518
2000	10267	6592	3675
2001	10269	6925	3344

188. During the period of the operation of the Employment State Service the wish to participate in paid temporary community work has been expressed by approximately the same number of men and women (see the table).

Wish to participate in paid temporary community work			
Year	Total	of whom: women	of whom: men
1995	37189	17210	19979
1996	38052	17749	20303
1997	32786	16913	15873
1998	39911	19937	19974
1999	34946	16754	18192
2000	31539	15738	15801
2001	32620	15914	16706
Sent to participate in temporary paid community work			
Year	Total	of whom: women	of whom: men
1995	14034	5474	8560
1996	10212	4077	6135
1997	8825	3631	5194
1998	12358	5363	6995
1999	11404	4584	6820
2000	9993	4230	5763
2001	15218	6691	8527

189. Besides the number of men and women among job-seekers who have found job placements with the assistance of the Employment State Service is about the same (see the table).

Job-seekers who have found work (with the help of the Employment State Service)			
Year	Total	of whom: women	of whom: men
1995	19272	9599	9673
1996	15323	7858	7465
1997	30327	16546	13781
1998	13195	7184	6011
1999	41384	23013	18371
2000	43656	24784	18872
2001	39906	23013	16893
Of whom job – placements found for the unemployed			
Year	Total	of whom: women	of whom: men
1995	17616	8985	8631
1996	14068	7328	6740
1997	29350	16106	13244
1998	31239	17491	13748
1999	40981	22856	18125
2000	43143	24566	18577
2001	39462	227986	16664
Sent to activities of Job - Seekers' Club			
Year	Total	of whom: women	of whom: men
1995	-	-	-
1996	1551	-	-
1997	5501	4657	844
1998	7710	6601	1109
1999	15835	12973	2862
2000	17940	14419	3521
2001	24667	18261	6406

190. In compliance with the Law "On Maternity and Sickness Insurance" persons who have been insured in compliance with the Law "On Social Insurance" are eligible to sickness benefits.

191. A sickness benefit is granted to a person, irrespective of the latter's gender, if it fails to come to work and thus loses incomes that are earned in salaried employment; or if a self-employed person loses incomes due to the following causes: loss of the working ability due to sickness or injury, the necessity to receive medical or preventive assistance; isolation is necessary in view of quarantine, if according to the medical statement such treatment is necessary for the recovery of the working ability; for taking care of a sick child under the age of 14; for undergoing procedures related to prosthesis or orthosis at an in-patient clinic.

192. In compliance with the Law "On Social Security" those persons (citizens of Latvia, no non-citizens, foreigners and stateless persons who have been granted a personal identity code, except persons who have received a temporary residence permit) who have lived in the Republic of Latvia for the last 12 months without interruption but not less than a total of 60 months, have the right to receive a state social insurance benefit as regards disability. This Law does not prescribe any differences in providing social insurance on the grounds of gender. The amount of the disability pension is the same for men and women and it depends on the length of the period during which

social insurance contributions have been paid and the income from which social insurance contributions have been paid (see the table).

Average size of the disability pension in LVL per month in actual prices										
	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001
Average for all types of pensions:	8.29	10.50	27.00	32.72	38.50	42.42	51.23	58.00	58.54	58.87
men.	X	X	X	X	X	44.36	53.78	62.34	62.91	63.19
women	X	X	X	X	X	41.90	50.56	56.56	57.16	57.55
of which:										
disability pensions	13.29	14.00	28.30	33.90	39.20	42.81	50.86	54.70	53.98	53.40
men	X	X	X	X	X	42.49	50.28	53.82	52.84	52.06
women	X	X	X	X	X	43.14	51.43	55.56	55.11	54.70

193. In compliance with principles established by the Law "On Medical and Social Assistance for the Disabled" for the provision of social assistance to the disabled, all the disabled enjoy equal rights to medical and social assistance. The above law also gives the definition of a disabled person – in Latvia a disabled person is a individual who requires additional medical and social assistance in view of functional disorders of various organs caused by diseases, injuries or congenital defects and whose disability has been established in compliance with the procedure prescribed by Law.

194. The expert examination in the case of disability is conducted by commissions of general and special medical experts' commissions on health and working ability according to the procedure prescribed by Regulations of the Cabinet of Ministers No. 263 "On Procedure of the Expert Examination of Disability by the State Medical Experts' Commission on Health and Working Ability" (16.07.1996.). The medical commission conducts examinations of citizens of the Republic of Latvia as well as foreigners and stateless person who have received permanent residence permits, from the age of 16 till the retirement age prescribed by law at the person's place of residence and according to the type of diseases. The physician who treats the children establishes the disability of children under 16. The medical commission examines persons over the retirement age, if the restricted mental faculties and physical abilities of these persons are not related to changes in the human organism caused by old age.

195. In Latvia every disabled person has access to social assistance, medical assistance, assistance in employment issues and promotion of social integration that the said person requires. The purpose of the above assistance is to prevent disability or its further development or to reduce the consequences of disability. Public and municipal medical institutions and primary care doctors provide medical assistance. Expenses related to providing assistance in employment issues are financed by the state special social insurance budget.

196. The Social Insurance Department at the Ministry of Welfare formulates the national policy in the area of social insurance and it also bears responsibility for its implementation. The above Department formulates and implements the national policy concerning state social benefits for families with children and the elderly, addresses social insurance issues, ensures the development of the social security legislation in line with requirements contained in the normative acts of the European Union. The Social Assistance Department elaborates unified State policy on social assistance, is responsible for its implementation and supervises its implementation in Latvia. The Social Assistance Fund has the following main tasks: to ensure State participation in social assistance provided by municipalities; to control and supervise spending of budgetary means for social assistance; to ensure collection, compilation and analysis of data necessary for implementation, supervision and evaluation of social assistance policy; to create and systematically update data basis on providers and recipients of social assistance.

197. As of 1 January 1997 social assistance benefits and pensions are granted through the State Social Insurance Fund, which as of 1 January 1998 has been transformed into a public joint-stock company "State Social Insurance Agency". Thus a better control over the expending of resources is ensured contrary to the previous practice that the respective benefits were paid at the place of work at the expense of the social tax. The main task of the State Social Insurance Agency is to administer the social insurance special budget and state social services.

Prohibition of discrimination on the grounds of marriage or maternity

198. In order to prevent discrimination against women on the grounds of marriage or maternity, the Labour Law includes a norm prohibiting to ask questions concerning pregnancy during job interviews, except cases when the given assignment or occupation cannot be practised during pregnancy, as well as the marital or family status.

199. The Labour Code included prohibition to dismiss pregnant women and women with a child under the age of 3 or to reduce their remuneration in view of pregnancy or child care at the employer's initiative. Dismissal was permissible only in cases when the enterprise, institution or organisation is liquidated (this norm was applicable also to fathers and guardians who bring up an underage child under 14 without a mother). It also stipulated that in the case of staff reduction preference in keeping on a person is to be given to women with a child under the age of 14 (a disabled child under the age of 16), or to employees who had two or more dependants, provided their productivity and qualifications are the same.

200. The Labour Code prohibits to terminate an employment contract with a pregnant woman as well as a woman during the post-natal period up to one year, a breastfeeding women – during the whole breastfeeding period, except cases when the employee has violated the employment contract or the prescribed procedure of work without any justifying reason; has committed illegal actions during the execution of her work and thus has lost the employer's trust; had acted contrary to good moral standards during the

execution of her work and such action is incompatible with the continuation of employment relations; has been in the condition of alcoholic, narcotic or toxic intoxication during the execution of her work; has violated rules of labour protection and has exposed the safety and health of other persons to danger; as well as if the employer goes into liquidation.

201. Also the Labour Law stipulates that in the case of dismissal for staff reduction purposes employees who bring up a child under 14 or a disabled child under 16, enjoy the preference in being kept on, provided their productivity and qualifications are the same.

202. If the termination of the employment contract by the employer has resulted in the violation of the employee's rights, the latter, irrespective of the gender, has the right to submit a claim to court to recognise the termination of the employment contract by the employer invalid during one month since the date of the receipt of the dismissal. According to requirements of the Labour Law the employer has the duty of proving that the termination of the employment contract is legally justified and complies with the procedure prescribed for the termination of employment contracts. In other cases when the employee has submitted a claim for his/her reinstatement at work, the employer's duty is to prove that, upon dismissing the employee, he/she has not violated the right of the employee to continue employment relations.

203. The Code of Administrative Violations stipulates that a fine of up to two hundred lats is imposed on the employer or an official for the violation of the laws on labour relations or laws on labour protection or other normative acts regulating these issues, while the violation of the employment laws or other normative acts regulating these issues is punished by a fine of up to one hundred fifty lats imposed on the employer or the official. The above provisions are effective as of 19 July 1995.

204. In Latvia maternity and childbirth leaves and benefits are granted during the respective period. The Labour Code provided that the maternity leave of fifty six calendar days and a childbirth leave of fifty six calendar days are added together and one hundred twelve calendar days are granted irrespective of the number of days of the maternity leave used before the childbirth. Women whose medical care in view of their pregnancy have been started at a medical institution by the twelfth week of pregnancy and has been continued during the whole pregnancy period, were granted an additional maternity leave of fourteen calendar days, adding it to the maternity leave and calculating a total of seventy calendar days. A woman was granted an additional childbirth leave of fourteen calendar days, adding it to the maternity leave and amounting to a total of seventy calendar days in view of complications during the pregnancy, delivery and the postnatal period as well as if two or more children have been born. Women were granted at their request a leave for taking care of the child till the child reaches the age of 3, paying a state social insurance benefit for this period. The time for taking care of a child till the age of 3 was included into the length of the overall and uninterrupted in-service time.

205. Likewise the above Law also stipulated that before the maternity and childbirth leave or directly after the said leave the woman is granted, at her request, her annual leave, irrespective of her length of in-service time working for the respective employer.

206. Norms contained in the Labour Law concerning the length of the maternity and childbirth leaves and the procedure of their calculation, as well as the additional maternity and childbirth leaves coincide with the norms of the Labour Code which, in view of the long-term existence and self-evidence of these norms in the public perception, eliminates mistakes in calculating the maternity leave and the childcare leave and enables women to forecast the length of these leaves.

207. In compliance with the Labour Law leaves granted in view of pregnancy and delivery, are not included in the annual paid leave.

208. The Labour Law stipulates that every employee, irrespective of the person's gender, has a right to a childcare leave in view of the birth or adoption of a child. This leave is granted for a period that does not exceed a year and a half till the date when the child reaches the age of 8. The childcare leave at the request of the employee is granted for the full period or in parts. The employee's duty is to notify the employer in writing a month in advance about the beginning and duration of the childcare leave or its part. The time that is spent by the employee on the childcare leave is included in the overall length of the in-service time. The previous position is preserved for the employee who uses the childcare leave. If it is not possible the employer provides an equivalent or similar position.

209. Before the reform of the social security system social benefits during the maternity and childbirth leaves were granted according to the Basic Regulations of the Council of Ministers of the USSR and the All-Union Central Council of Trade Unions "On Provision of State Social Insurance Benefits" (of 23 February 1984) and the Regulation of the All-Union Central Council of Trade Unions "On Procedure for Providing State Social Insurance Benefits" (of 12 November 1984), which regulated the procedure for calculating and granting maternity benefits till 1 January 1997.

210. The Law "On Maternity and Sickness Insurance"[6] prescribes the procedure for the granting and payment of maternity benefits for the whole period of maternity and childcare leaves if the woman does not come to work and thus loses incomes earned in salaried employment or a self-employed woman loses her income. The purpose of the above law is to ensure a compensation of incomes in the event of a short-term loss of the working ability, which is related to sickness, the prenatal and postnatal periods.

211. In compliance with the Law "On Maternity and Sickness Insurance" the maternity benefit is granted in the amount of 100% of the average insurance contribution salary received by the recipient of the benefit. According to

[6] Effective as of 1 January 1997.

Article 67 of the ILO Convention No.102 in 2000 the amount of the maternity benefit exceeds the minimum norms prescribed by the Convention more than two times.

Quantitative indicators of maternity insurance[7]

	1995	1996	1997	1998	1999	2000	2001
Expenditures (LVL million, in actual prices):							
maternity benefits	2,5	2,6	2,7	3,9	4,8	4,9	5,7
Quantitative indicators of the number (thous. on the average per month):							
number of paid maternity days	70,2	63,7	74,3	95,3	96,0	102,1	105,1
Average amounts of benefits (LVL in actual prices)							
maternity benefits (per day)	2,91	3,35	2,98	3,48	4,00	4,01	4,52

212. Calculations show that in 2000 47% of all mothers who had given birth to children have received maternity benefits. In comparison with the preceding year, the number of those persons who have requested the maternity benefit has increased by 7%. However still the majority of children are born to women who neither work nor make compulsory social insurance contribution payments and thus to do not receive the maternity benefit (see the table).

Number of neonates and number of recipients of the maternity benefit

	1997	1998	1999	2000	2001
Number of neonates	18830	18410	19396	20248	19690
Number of recipients of the maternity benefit	13279	16281	10724[8]	11486	11811

213. In the economic situation of Latvia when women often lose their jobs during their pregnancy or, while expecting their child, they cannot find a new place of work and are forced to become unemployed, particular relevance is acquired by the norm of the Law "On Maternity and Sickness Insurance" that stipulates that the maternity benefit is granted for women who have been dismissed due to the liquidation of an institution, enterprise or organisation, in accordance with the general procedure if the right to the maternity leave has set in not later than 210 days after their dismissal.

214. In compliance norms prescribed by Laws "On State Social Insurance", "On Social Security", "On Social Tax", "On State Pensions", "On Compulsory Social Insurance against Unemployment", "On Insurance against Occupational Accidents and Occupational Diseases" the receipt of the

[7] As of 1997 the maternity benefit is calculated for calendar days, until then it was calculated for working days.

[8] The system of registration of the benefit recipients has been changed as of 1999.

maternity benefit does not restrict the receipt of any other benefit or social insurance service.

215. In compliance with the Law "On Compulsory State Social Insurance" persons who receive maternity benefits are also subject to compulsory social insurance. Persons who take care of a child by the age of 1.5 years are also subject to pension insurance and insurance against unemployment. Contribution payments to the state social insurance budget are made from the national central government basic budget. Persons who receive maternity benefits are also subject to pension insurance; the costs being financed form the disability, maternity and sickness special budget. The State Social Insurance Agency administers the maternity benefits.

216. Article 7 of the Law "On Social Assistance" prescribes that the duty of local governments is to provide the possibility for disabled children to receive social care and rehabilitation services, thus local governments offer services of specialised kindergartens and day centres as well as home care services, although, unfortunately, the amount of these services does not correspond to the demand. Article 6 of the Law "On Social Assistance", in its turn, stipulates that the duty of the state is to provide social care and rehabilitation services at institutions and centres for children with disorders of mental development. Section 3 of Article 55 in the Law "On Protection of Children's Rights" also stipulates that a child with special needs if the family is unable to provide the child's care, is to be taken into full care by the state. The Ministry of Welfare supervises three specialised social care centres for children where children with severe disability are institutionalised.

217. According to the data of the State Social Insurance Agency, on 1 January 2001 an additional payment to the family state benefit for a disabled child was received by 9,712 children. According to the data of the State Social Assistance Fund, in 1 January 2001 there were 805 disabled children at childcare and educational institutions, of whom 291 were at childcare centres for orphans, 453 – at specialised social care centres for children, 61 – at children's homes-orphanages.

218. The Labour Code prohibited employing women in heavy work assignments and for work in hazardous working conditions. Lists of heavy work and work in hazardous working conditions where the employment of women is prohibited, is approved by the Cabinet of Ministers, co-ordinating these lists with the professional organisations in the country. It is prohibited to make women transfer and move heavy weights that exceed maximum norms permitted in legislative acts. It is also stipulated that according to the medical statement the work norms for pregnant women are reduced or they are transferred to another less strenuous work place that excludes the impact of unfavourable factors, retaining the previous average remuneration.

219. The Labour Law stipulates that after the receipt of a medical statement the employer is prohibited to employ pregnant women and women during the postnatal period up to one year, breastfeeding women – during the whole

period of lactation, if it is recognised that the performance of the particular assignment causes danger to the safety and health of the woman or her child.

220. Legislation that is related to the protection of rights listed in Article 11 of the Convention is reviewed and amended in Latvia on regular basis to ensure a more effective protection of women's rights. Since the restoration of independence a reform has taken place in the social security system, a new Labour Law has been enacted; likewise regulations of the Cabinet of Ministers related to the execution of these laws and prescribing their execution, have also been amended on regular basis, taking into account the situation in the country. In its comments the National Human Rights Office emphasises that the entry into force of the new Labour Law will improve situation in employment field since this Law regulates in details job-advertisements, job-interviews and issues of equal remuneration as well as provides for liability for discrimination based on person's gender.

ARTICLE 12

221. In Latvia women are not discriminated in the exercise of their rights in the area of health care. The Medication Law[9] stipulates that patient, his or her closest relatives or lawful representatives (trustees, guardians) have the right to choose a medical treatment institution located in Latvia and a medical practitioner for the diagnosis and medical treatment of illnesses and injuries, and rehabilitation of the patient. A patient has the right to receive qualitative, considerate and respectful medical treatment and care.

222. The Medication Law stipulates that every person enjoys the right to receive immediate assistance in accordance with the procedure established by the Cabinet of Ministers. The scale of the state-guaranteed medical assistance according to the procedure established by the Cabinet of Ministers is provided to citizens of the Republic of Latvia, non-citizens, foreigners and stateless persons who have the personal identity code in their passports and who have been registered by the Population Registers, as well as persons who have been detained in custody, held under arrest, convicted and serving sentences at penitentiaries. This assistance is provided at the time and place where it is required, and medical treatment in such cases is provided according to the standard approved by the Ministry of Welfare.

223. Every child living in the territory of Latvia as well as a child who has not been granted the personal identity code and who has not been registered by the Population Register have the right to receive the state-guaranteed medical assistance. A child has the right to receive state-guaranteed medical assistance free of charge.

[9] Effective as of 1 October 1997.

Number of admissions to hospitals and doctors' visits

	Cases of hospitalisation		Out-patient visits	
	men	women	men	women
1997	272003	260628	4887761	6135448
1998	194961	268619	3244590	6211437
1999	210744	263856	3436536	6380160

224. A significant indicator characterising health is the projected life expectancy of neonates where gender differences manifest themselves in Latvia (see table): the average projected life expectancy for men is 11 years shorter than that of women.

Average projected life expectancy of neonates

	Latvia		Cities/ towns		Rural areas	
	Men	Women	Men	Women	Men	Women
1995	60.76	73.10	60.99	73.82	59.57	72.74
1996	63.94	75.62	64.25	75.97	61.42	74.93
1997	64.21	75.88	65.21	76.05	62.85	75.36
1998	64.08	75.54	65.17	75.88	62.16	74.87
1999	64.89	76.20	65.70	76.24	63.67	75.93
2000	64.93	75.98	65.99	76.64	63.46	75.76

225. The spread of HIV/AIDS is growing rapidly in Latvia. In 2000 467 new cases of HIV and 24 new cases of AIDS were registered. The HIV incidence in 2000 reached 19.14 cases per 100 000 inhabitants. In 2000 10 people died, of whom 3 died of AIDS. The number of patients is mostly constituted by persons at the age of 15 – 49, besides the number of men is three times higher than the number of women. The route of HIV transmission in Latvia is transmission through blood among intravenous drug users, sharing syringes and needles. The number of HIV cases increase and there is an increase also in the number of infected women. Thus the heterosexual spread and the vertical HIV transmission (mother – child) threaten to expand. At present 15 HIV-infected women have given birth to children, 2 children have been diagnosed the infection, four children as being in good health are deleted from the records. The situation in 1999 shows that alongside with the HIV risk groups traditional for Latvia – intravenous drug users, convicts, homosexuals, heterosexuals with a risky model of behaviour, new vulnerable relative risk groups are also women of the reproductive age, pregnant women and young persons at the age of 15 – 19. According to the data of the AIDS Prevention Centre, one forth of the HIV positive women have contracted the infection through sexual contacts, besides this type of infection tends to expand. Taking into account the fact, that the risk of becoming infected in this way is 2 – 4 times higher for the woman than the man, this trend aggravates the woman's situation.

226. At present 55% of HIV-infected women in Latvia are at the age of 20 – 29 and 78% of them use drugs. The attitude to HIV-infected of both genders in Latvia is reserved; this infection in the public perception is related to the use

of drugs. The public is comparatively even more reserved towards an HIV-infected woman as there is a possibility, that when the woman becomes a mother, she will pass on her incurable disease to the next generation. The majority of such women have never in their lives met other HIV-positive women. HIV-positive women encounter rejection by the community. However in the majority of cases these women are the main providers of material welfare for their families and they continue to play important roles in their households.

HIV incidence

	1995		1996		1997		1998		1999		2000	
	Men	Women	Men	Women	Men	Women	Men	Women	Men	Women	Men	Women
Cumulative registered number of injections	43	3	57	6	82	6	206	45	384	108	738	220
Died of HIV	-	-	-	-	-	-	3	-	2	1	6	0
Died of AIDS	1	-	-	-	-	-	2	-	1	1	1	2

227. The Table contains statistical data on number of criminal cases initiated in the field of health protection, where victims were women.

	1995		1996		1997		1998		1999		2000		2001	
Article of the Criminal Law	reg.	dis.	reg.	dis.	reg.	dis.	reg.	dis.	reg.	dis.	reg.	dis.	reg.	dis.
Article 133 Infection with human immunodeficiency virus	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Article 134 Infection with venereal disease	-	-	1	-	-	-	1	1	1	1	-	-	-	-
Article 135 Unauthorised performing of abortion	-	-	2	1	-	-	-	-	-	-	-	-	-	-
Article 136 Compelling commission of an abortion	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Article 137 Unauthorised medical treatment	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Article 138 Improper performance of professional duties by a medical practitioner	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Article 139 Unlawful removal of tissue and organs from a human being	-	-	-	-	-	-	-	-	-	-	-	-	-	-

Right to have access to information on family planning, right to receive assistance related to family health

228. In Latvia women are not discriminated in their right to have access to educational special literature that promotes the health and welfare of the family. Women and men enjoy equal rights to access to information and consultations on family planning.

229. The Ministry of Welfare of the Republic of Latvia is in charge of the State Family Health Centre; one of the tasks of the said Centre is to provide

information on family planning issues. This information is a service provided free of charge.

230. There are several non-governmental organisations in Latvia, which deal with family planning issues. For example, the non-governmental organisation *"Papardes Zieds"* disseminates information, deals with the education of the population and promotes sexual health. Latvian Association for Gender Equality points out that Council of Latvian Youth Health Centres, Latvian Youth's Red Cross, Education Centre for Family and School, as well as several organisations in various regions are engaged in similar activities.

231. The procedure for financing the health care of the population is prescribed by Regulations of the Cabinet of Ministers "On Financing of Health Care" of 24 December 1996, which stipulate that the state compulsory health insurance guarantees the coverage of costs of medical services at medical institutions of the Republic of Latvia from the funds of the state compulsory health insurance also for those medical services that are related to the observation of pregnant women and postparturian women, assistance at delivery, assistance in cases of pathologic pregnancies.

232. Pregnant women if they are under pregnancy and postnatal observation and receive medical services related to the procedure of pregnancy are exempt from the payment of the patient's fee, thus these medical services are provided free of charge.

233. In compliance with Regulations of the Cabinet of Ministers of 18 March 1997 "On Relieves in Purchasing Medical Appliances for Out-Patient Treatment in 1997" women who have medical contraindications to pregnancy, receive discounts for the purchase of peroral and mechanic contraceptive means.

Right to receive medical care during pregnancy and postnatal period

234. Access to medical care during the pregnancy/postnatal period is provided in compliance with the Medication Law, Regulations "On Financing of Health Care", approved by the Cabinet of Ministers in 12 January 1999, Order No.324 of the Ministry of Welfare (of 20 November 1995) "On Screening Diagnostics for Pregnant Women and Neonates".

235. In additional to the national antenatal programme, the Riga City Maternity Hospital performs the following: the auscultation of the heartbeat of the foetus from the 10^{th} week of gestation; the recording and reading of the cardiotahogramme of the foetus starting with the 34^{th} week of gestation (in the event of medical indications); medical care for pregnant women. The Maternity Hospital also provides consultations of a therapist-cardiologist, an endocrinologist; during the pregnancy period regular antenatal classes are organised on the procedure of pregnancy, physiological changes in the body of the pregnant woman and the development of the baby in each trimester of the pregnancy period. During the pregnancy period mothers undergo regular examinations (antenatal health care) as well as within the perinatal health care systems.

236. Beginning with 2000 the number of induced abortions per 1000 live births among women at the age of 15 – 44 has continued to decline. Already for the second subsequent year, the number of induced abortions per 100 confinements is less than 100, i.e., 85 (in 1999 – 93). There has been a decrease in the absolute number of induced abortions, and more children have been born. In 2000 the number of confinements increased by 4.5%. The number of terminated pregnancies declined by 4.4%.

Number of terminated pregnancies in Latvia

	Total	Of which; induced terminations
1991	44886	38837
1992	40494	34325
1993	37256	31348
1994	32535	26795
1995	31324	25933
1996	29653	24227
1997	27206	21768
1998	25076	19964
1999	22974	18031
2000	22201	17240

237. Another positive development is the decline of the ratio of parturian women under 14 years of age against the total number of parturian women and its low proportion in the total number of confinements – only 0.005% (in 1998 – 0.04%, in 1999 – 0.02%). There has been a balanced increase in the number of parturian women over the age of 35 – 9.8% of all confinements (in 1998 – 8.5%, in 1999 – 9.0%). The ratio of 15 – 17 year old parturian women fluctuates: in 2000 they constituted 2.7% of all confinements, in 1999 – 2.3% (in 1998 – 2.8%).

238. The trend that had started in 1995 continued also in 2000 – the perinatal mortality indicators decline in view of the larger number of live births and the decline in the number of still births and the number of neonates who have died in 0 – 6 day of their life.

ARTICLE 13

239. Conditions that enable individuals to participate in various areas of economic life of the public are general by nature in Latvia and they do not prescribe any discrimination. Possibilities for women to get involved in these areas of public life are mostly determined by the degree of their social equality. The main restrictions in exercising these options are related to the fact that the level of economic activity is much lower among women than among men (see the table Economically active inhabitants among all inhabitants) and traditionally women perform the majority of functions related to family care.

Economically active inhabitants among all inhabitants (persons aged 15 and above, in %)

	Total	Men	Women
1996, IX	59.8	69.8	51.5
1997, IX	59.7	68.6	52.3
1998, IX	58.8	68.8	50.7
1999, IX	58.2	67.8	50.3
2000,IX	56.8	64.7	50.3

Employment (data as of November of every year)

	Aged 15 and above		Employed		Full-time work		Part-time work	
	Women	Men	Women	Men	Women	Men	Women	Men
1996	1086,4	892,0	460,5	505.0	405,1	444,4	55,4	60,6
1997	1091,0	896,5	487,8	527,1	420,9	462,7	66,8	64,4
1998	1088,7	896,4	473,7	533,5	410,1	467,3	63,6	66,2
1999	1088,6	899,0	474,3	515,0	410,5	463,2	64,0	51,8
2000	1090,5	901,4	474,8	492,0	412,5	447,2	62,3	44,8

Distribution of week's time in 1996 (hours and minutes)

	Employed		Students		Persons neither employed nor studying	
	men	women	men	women	men	women
Self care	72:14	70:43	78:46	77:38	81:35	79:17
Total workload	66:13	74:25	51:15	54:21	40:06	51:53
Paid work	49:44	45:14	00:28	00:15	04:40	01:20
Regular studies	00:20	00:24	43:26	44:04	00:25	00:33
Care for children, maintenance of house, apartment	16:09	28:47	07:21	10:02	35:01	50:00
Leisure time	27:37	21:46	35:18	33:55	43:29	35:27
Unspecified	01:56	01:06	02:40	02:06	02:50	01:23

Right to receive family benefits

240. A general family benefit system exists in Latvia, which is a part of the state social assistance system. These benefit payments are financed by the national budget. Eligibility to these state benefits is not related to social insurance contribution payments made by the person. In compliance with the Law "On Social Assistance" the right to receive social assistance is enjoyed by citizens of Latvia, non-citizens, foreigners and stateless persons who have been granted a personal identity code, except persons who have received temporary residence permits, without any gender distinction.

241. Before the reform of the social security system which is being implemented in the area of family benefits since 1996, family benefits were granted in compliance with the Basic Regulations of the Council of Ministers of the USSR and the All-Union Central Council of Trade Unions "On Provision of State Social Insurance Benefits" of 23 February 1984 and Regulations No. 34 of the Cabinet of Ministers of 17 October 1995 "On Benefits and Grants".

242. The Law "On Social Assistance"[10] stipulates the allocation of the following state social benefits for families – the childcare allowance, the childbirth benefit, the family state benefit. General assistance to families with children includes also the following types of assistance: granting an additional payment in the amount of the social insurance benefit to the state family benefit to families with a disabled child under 16 years of age; a benefit to the guardian for the maintenance of the child and the performance of guardian's duties; remuneration for foster families, institutional care, adoption, guardianship.

243. In compliance with the Law "On Social Assistance" the family state benefit is granted to persons who bring up a child. The state family benefit is of a universal character, it is granted for every child under the age of 15 or who is over 15 years of age and attends comprehensive school and had not entered marriage, but not longer than by the time the person reaches the age of 20. If the family state benefit has been granted for a disabled child under the age of 16, an additional payment to the benefit is made in the amount established by the Cabinet of Ministers.

244. As present the size of the family state benefit in Latvia for children born before 1 January 1999 is LVL 4.25 for the first child, LVL 5.10 or 1,2 times higher – for the second child, LVL 6.80 or 1.6 times higher – for the third child and LVL 7.65 or 1.8 times higher – for the fourth child and children born subsequently. The size of the family state benefit for children born after 1 January 1999 is LVL 6 for the first child, LVL 7.20 or 1.2 times higher – for the second child, LVL 9.60 or 1.6 times higher – for the third child and LVL 10.80 or 1.8 times higher – for the fourth child and subsequently born children. At present these benefits are insufficient and a new procedure for their payment is being formulated and their amounts are being increased. Some local governments pay also benefits from their own local budgets in the event of the birth of a child.

245. The Law "On Social Assistance" stipulates that the childcare allowance is a regular monthly benefit that does not depend on the number of children and it is granted to a person who takes care of a child under the age of 3, is not employed or is employed part time, does not receive the maternity benefit. The amount of the childcare allowance for a child under the age of 1.5 is LVL 30 per month. Persons who take care of a child at the age of 1.5 to 3 years receive a benefit of LVL 7.50 per month.

246. The childbirth benefit is granted to one of the child's parents. In compliance with the Law "On Social Assistance" one of the child's parents or a person who has adopted a child or has assumed guardianship over a child under the age of 1, is eligible to a childbirth benefit, which is a one-time universal benefit. The childbirth benefit is 50% of the value of the newborn's dowry and currently is LVL 98. If the mother has registered with a medical institution by the 12th week of pregnancy and complies with all instructions given by the physician, the amount of the benefit is doubled – LVL 196. However, in case twins or triplets are born, mother receives one-time childbirth benefit in the

[10] Effective as of 1 January 1996.

same amount as for one child. Latvian Association for Gender Equality in its comments on the draft Report points out that the childcare allowance is only 50% of the minimum monthly salary and woman's salary is not entirely compensated and that stop women from having desirable number of children as indicated in surveys (usually 2, less often – 3). Latvian Association for Gender Equality believes that quality of woman's life is lowered, joined by threats of failure to successfully resume work with all potential consequences if unemployment on the woman's income and possibilities to receive social insurance services.

247. It must be noted that the family state benefit, the childbirth benefit is granted to the mother of the child, however the father of the child is eligible to these benefits only in specific cases established by the law. It should be noted that the legislation of Latvia does not stipulate any special state social benefits for single mothers.

Right to receive loans

248. No legal obstacles exist in Latvia for women to take loans. In compliance with the Civil Law, parties to a legal transaction, including a loan must enjoy legal capacity and capability. In the meaning of the above law, legal capacity is not enjoyed by minors, persons who are in custody due to their promiscuous or extravagant life and the mentally ill, if not provided otherwise by the law.

249. In compliance with the Law "On Credit Institutions" the credit institution examines the solvency of the borrower before and after the issue of the loan, requesting on regular basis documents confirming the financial stability of the borrower's economic activity, the ability to repay the principal of the loan and the interest.

250. As of September 2001 the Mortgage and Land Bank, which belongs to the State of Latvia, has included small and medium enterprises, managed by women or where 75% of employees are women, as a target group in the Programme of Lending for the development of small and medium enterprises. The said Programme provides relieves in respect of collateral requirements and experience in business. Experience shows that the majority of small enterprises in Latvia are managed and owned by men. Such a situation in a contemporary and democratic society should be viewed as disproportional that is why the Programme provides additional support to enterprises of women.

251. Latvian Association for Gender Equality points out that one third of respondents in the 2001 survey conducted by the Nordic Investment Bank believe that women-entrepreneurs may encounter obstacles related to gender. It has been indicated that majority of respondents (63%) are of the opinion that the State should establish statutory assistance to women-entrepreneurs. Latvian Association for Gender Equality also points out that information on credit programmes aimed at supporting women's entrepreneurial activities in Latvia is lacking – according to survey "Opinion of women about support for women's entrepreneurial activities in Latvia" (conducted by the Institute of Philosophy and Sociology of the University of Latvia) 30% of the respondents were aware of these programmes.

252. The main terms identified by private credit institutions when granting loans to natural persons is permanent employment, regular and stable monthly income per family or household member, besides the number of children in the family is taken into account irrespective of the gender. Taking into account that women are less economically active and with lower average incomes than those of men are (see, table added to paragraph 151), a lower proportion of women than men request and receive loans of various types. Latvian Association for Gender Equality points out that quite often banks require existence of real estate as guarantee for loan; while real estate is not always registered as belonging to women. Whereas, according to data of the State Land Service 55% of real estates are registered as belonging to women, and 45% - as belonging ot men. Consequently, in this sphere the hidden discrimination does not manifest itself.

253. There are no gender differences also in respect of mortgaging real estate. No gender differences exist in the ability of a person to acquire real estate in his/her possession, or in handling the real estate. At the constitutional level the Satversme (Constitution), prescribing that every person enjoys a right protects these individual rights to property and ownership rights can be restricted only in compliance with law.

254. The right to handle ones property is prescribed also by the Civil Law where property is defined as the full right of power over property, *i.e.*, the right to manage and use it, to gain all possible benefits from it, to handle it and to claim it back from a third party according to the prescribed procedure, which also gives rise to the right of the individual to borrow against the security of real estate irrespective of the person's gender.

Right to participate in cultural life and sports activities

255. There are no restrictions in Latvia imposed on the participation of women in activities related to recreation, sports and all areas of cultural life. The only restrictions that are related to the participation of a person in some cultural events are age restrictions irrespective of the gender, which are aimed at protecting teenagers from harmful influences.

256. The possibilities of the woman to participate in sports activities have already been described when discussing Article 10. The participation of women in various areas of cultural life has been already characterised at greater length when discussing Article 3.

ARTICLE 14

257. According to the territorial division in cities/towns and rural areas, accepted in Latvia, 98% of the territory of the country is covered by rural areas, populated by 31% of the total number of the population in the country. The average density of the population is 12 inhabitants per 1 square kilometre.

258. The situation in the rural areas of Latvia and thus also the particular problems of women, living in rural areas, are characterised by insufficient employment options. Rural economy depends predominantly on agriculture as the main

type of employment, which provides work and means of livelihood for about 37% of all employed rural inhabitants. The upgrading of the agricultural sector, which is currently underway, stimulates a further decrease in the number of the employed population. Other sectors of rural economy are unable to provide incomes for the rural population outside agriculture. One of the aims of the 1996 Agriculture Law is to create preconditions for ensuring employment in rural areas; to compensate negative factors of agriculture, if compared with other sectors of economy, and to ensure for those employed in agriculture equal opportunities of social and economical well-being. The said Law as well as other legal acts that regulate agricultural sector do not contain provisions discriminating women or restrictions discriminatory with respect to women.

259. Rural areas need 34,000 work places and, the process of restructuring continuing in agriculture, the given number will increase to 50,000 in the coming 2 – 3 years. The level of registered unemployment in rural areas and cities/towns is similar (8.9% and 7.1% respectively), however the actual employment in rural areas is in a much worse situation, which is also characterised by some forms of hidden unemployment which is widespread in rural areas, for example, the ratio of unpaid family members that constitutes 11.6% in rural areas and only 0.2% in cities/towns. As until now the agricultural sector has had one of the lowest income levels and the highest number of unpaid family members (frequently if a person works at a family enterprise salaries and social taxes are not paid), in future it will rapidly aggravate the social tension in rural areas as inhabitants, upon reaching the retirement age, in actual fact, will not receive or will receive very low pensions due to the low incomes during the pre-retirement period, and will depend only on natural (subsistence) economy.

260. The situation of women in rural areas is characterised by the following data (according to the employment data of 2000): women constitute 54.7% of all the inhabitants of Latvia; 50.3% of all women are economically active (for comparison, 64.7% of men); 46.1% of all women – rural inhabitants are socially active (for comparison – 60.6% of men).

261. If there is no significant difference in the level of economic activity in rural areas among men and women with higher education (82.4% and 80.1% respectively), then the same indicator is significantly higher for men with primary education in comparison with women who have the same educational level (48.9% and 30.3% respectively), and almost twice higher for those with education below the primary level (21.0% and 14.0% respectively). Women living in rural areas have mostly primary education and education below the primary level. Therefore it is necessary to stimulate the activity of women with lower education who, as a rule, are also the poorest inhabitants of rural areas, in particular single mothers and representatives of the large families with many children. Non-governmental organisations play important role in promoting women activity in rural areas – according to the information provided by the Resources' Centre for Women "Marta", this organisation jointly with Business Women Club has organised for women with low income

both in Riga and rural regions business courses, English language courses and Latvian language courses in Latgale (Eastern part of Latvia).

262. The economic situation of women living in rural areas is also aggravated by the fact that it is more difficult for women to find a suitable job in these regions, as vacancies are oriented towards physically strenuous work that is more suitable for men.

263. As 37% of the economically active rural inhabitants work in agriculture and the salary of those employed in agriculture amounts only to 78% of the average net salary in national economy, the income of the population is very low. Besides the positive impact of the development of national economy on the welfare of the population has manifested itself mostly only in cities/towns. Due to this the difference in incomes of urban and rural inhabitants grows.

264. The economic and social infrastructure, developed in rural areas earlier, has gradually become outdated and does not meet the contemporary requirements; its maintenance in rural areas is comparatively expensive in view of the low density of the population and the economic passivity of the population.

265. Another problem of rural areas is the ageing population, the departure of the existing and potential economically active population.

266. In compliance with the Satversme (Constitution) of the Republic of Latvia, all people in Latvia are equal before the law and court; likewise human rights are exercised without any discrimination. Within this frame rural women are guaranteed the right to participate in the formulation and implementation of development plans, to receive quality health care, to use the support of social programmes, to have access to primary education and further education, to establish self – help groups and co-operatives. Women may take part in public events, take all kinds of loans and credits, and enjoy appropriate living conditions as well as to participate in the development of rural districts and in receiving the benefits of development. Rural women are also provided access to all relieves prescribed by laws as well as benefits provided on the territory of Latvia.

Right to participate in elaboration of plans for development of rural district and to participate in the implementation of this plan

267. Women have been granted equal rights to participate in development planning in the area of regional development in Latvia. The Law "On Territory Development Planning"[11] and Regulations of the Cabinet of Ministers "On Spatial Planning"[12] envisage that the principle of openness will be followed in the planning of territorial development which means that plans of territorial development will be formulated, by involving the general public and ensuring the openness of information and decision-making. In order to ensure the discussion of the national territorial development plan, the Ministry of Environment Protection and Regional Development presents information in

[11] Enacted on 15 October 1998.
[12] Issued on 5 December 2000.

the official newspaper *"Latvijas Vēstnesis"* on the beginning of the formulation of the national territorial development plan, the procedure for public discussion, the place and schedules where and when it is possible to see the territorial development plan and to submit written proposals and references. Local governments undertake the same activities when working on territorial development plans, and in addition give written replies to proposals submitted in writing within the prescribed time limit.

268. The Law "On Territorial Development Planning" stipulates that every natural or legal person has a right to get acquainted with territorial development plans presented for public discussion; they have a right to submit written proposals and references for public discussion within the prescribed time-limit, to take part in public discussion, debates, to express their opinion and to submit proposals. No gender differences have been stipulated[13].

269. Besides, according to the data provided by the Ministry of Environment Protection and Regional Development, about 3000 specialists on territorial development planning, of who more than half are women (160), work at local governments of Latvia.

270. In the area of construction in Latvia women enjoy equal rights to participate in the discussion of the new construction projects where representatives of both genders participate on the basis of equal conditions. An example to be mentioned in respect of equality of men and women is the fact that the highest-ranking official in the construction sector as well as managers in part of divisions are women. Likewise there are no differences in access to education in construction and territorial development planning – this theme has been analysed at greater length when discussing Article 10.

Right to receive medical care

271. Women living in urban and rural areas enjoy equal rights in access to medical services. This accessibility is provided by the Medication Law that stipulates that every person has a right to receive urgent medical assistance.

272. In comparison with 1999, in 2000 the number of doctors in Latvia has increased by 93 doctors, besides the number of doctors in Riga has declined by 71. In comparison with 1999 the number of family doctors in Latvia has increased by 165 or by 20.6%, in Riga – only by 8. In compliance with the primary health care policy the number of units of paramedics-accoucheurs is decreasing, with the simultaneous increase in the number of doctors' private practices. There has been a considerable increase in the total number of outpatient care institutions at the expense of private doctors' practices. In comparison with 1999, the number of independent dentists' clinics, the number of private dentists' practices have increased; the number of hospitals has declined – 42 in 2000, 151 – in 1999; in 1999 there were 1063 out-patient clinics, by 2000 their number had risen to 1659, i.e., together with

[13] The norms of similar content have been provided for also in the new Territorial Development Planning Law, which enters into force on 26 June 2002.

independent dentists' clinics, foreign dentists' practices, foreign health care units.

273. Patients receive information on primary health care institutions and institutions providing medical and social assistance situated in the particular region, as well as information on possibilities and necessity to choose primary health care doctor. The district for primary health care doctor's practice is determined on the basis of density of population. Hospitals are situated in such a distance as to ease the access to them and to allow the patient to choose the closest. There is no gender-based discrimination in all said above.

274. Master plans for providers of ambulatory and stationary health care are elaborated in order to ensure further development of health case system; to improve structure of providers of health care; to attain their consolidation and increase the quality of health care services and rational accessibility for patients as well as to create basis for establishment of integrated health care system in every region and nationwide.

275. Article 1 of the Law "On Environment Protection" refers to the protection of human health and guaranteed possibility to receive environmental information as also being the aims of the Law. Neither this Law nor other legal acts in the field of environment protection contain provisions restricting women living in rural areas in exercise of respective rights.

Right to social security

276. Laws regulating the provision of social insurance and social assistance services do not prescribe any differences in providing these services in rural areas. The procedure for receiving social insurance and social assistance services has been described in detail when discussing Article 11. There are no differences in provision of social insurance services, their quality and in their variety as between rural and urban areas.

277. However women in rural areas use social insurance services relatively less often. It can be explained by the fact that in rural areas social taxes for women's work remain unpaid or paid only partially comparatively more frequently than in cities. As a result the woman loses the possibility to receive social insurance services or they are calculated proceeding from the amount of taxes paid. Until 14 March 2001 a provision according to which an employee could not receive social insurance services in case the employer had not made social insurance payments or had made these payments only partially, was in force. It meant that even if employee worked full-time, he/she did not have the right to receive social insurance services if social insurance payments were not made. Taking into account the difficult situation in the labour market in rural areas women often chose not to object to such terms of employment. The Constitutional court in its judgement of 13 March 2001 declared the above provision unconstitutional and abolished it as of pronunciation of the judgement.

278. The Law "On Social Assistance" defines obligations of State and local government in providing social assistance. It follows that the differences in

social assistance provided are not as between rural and urban areas, but as between different municipalities. In a number of municipalities Law "On Social Assistance" is freely interpreted. Each municipality implements different system of benefits with different aims and priorities. As a result of the above:

a) inhabitants do not have the possibility to receive social assistance under uniform conditions;
b) social assistance benefits are not fully directed towards poorest members of society – existing guarantees for poor are not ensured;
c) social assistance benefits actually granted by municipalities are lower than required by Law; some benefits to be paid regularly are reduced to one-time payments;
d) in several municipalities granting of benefits is not linked to evaluation of real problem and resources of a family/person – there are restrictions in receiving benefits depending n whether a person belongs to a specific social group; there are restrictions for the amount of benefits to be granted to a family/person per year.

279. Regional differences are also present in municipal social benefits system. Thus in Kurzeme (Western part of Latvia), where average income of population is second lowest in the country, in average every person receives in social benefits as big support as in region with the highest average income per person – Riga region. It leads to the conclusion that local governments of Kurzeme region are more active in granting benefits and promoting their activities. The two regions mentioned are the only ones where income from municipal benefits per family member is higher that in average in Latvia. In the region where the average income per person is the lowest – Latgale region (Eastern part of Latvia) – in average every person receives in municipal benefits, unfortunately, the smallest support in Latvia – more than twice lower as in average in Latvia, and almost three times lower that in Kurzeme region.

280. Social assistance services, in their turn, are provided for persons in situations in social risk and use of these services is similar in rural and urban areas. Range and quality of social assistance depends not only on the financial means available, but also on the number and education of social workers in a particular municipality. Unfortunately, Latvia still lacks professionally educated social workers, since this profession is one of the most recent. Therefore main issues regarding social assistance in rural areas are lack of social workers and need to ensure the services as close to the residence of the recipient as possible – currently there is a disproportion between cities and rural areas regarding financial and human resources, thus disproportion also exist regarding access to social assistance. Moreover, at present only 56% of municipalities have social assistance departments, and exactly small municipalities usually do not have at least one social worker. In order to improve the situation in 1996 a reform of social assistance system was commenced, where principle "the money follows the client" is implemented. It should be noted that in 2000 in total only 824 social workers were employed in municipal social assistance departments; it means that social assistance departments still are small and in average consist of one or two employees. Number of employees having education of social workers still is low. In 2000

14 districts of Latvia did not have at least one person with special education in social work. Currently one social worker is on average per 2879 inhabitants. In order to achieve optimal level, the number of social workers in Latvia should increase more that 2.8 times.

Right to acquire education, including professional education in agriculture

281. The right of women to acquire general education is described under Article 10 of the Convention.

282. Latvian Centre for Support of Agricultural Consultations and Education (LCSACE) is the biggest State-founded and State-financed organisation, which offers agricultural consultations and programmes of continued education and has territorial units in all regions of Latvia. There are no legal or actual obstacles for women to obtain information in these centres and to avail themselves of other services offered by them. The Government, being aware of the difficult economical situation of women living in rural areas and need to support their education, has envisaged that according to the agreement concluded between the Ministry of Agriculture and LCSACE for year 2002 women in every region of Latvia would be ensured possibility to attend two courses of lectures of their choice. The possibility to acquire general professional education in agriculture is in no way restricted because of the person's gender.

Right to establish non-governmental organisations

283. In order to prevent possible discrimination several non-governmental organisations promoting activities of women in rural areas, their rights to receive information and to participate in public life, are supported within the framework of State Agriculture Subsidy Programme. These non-governmental organisations organise seminars and courses aimed at solving employment problems and increase if income. Women living in rural areas exercise their right to association quite actively; in 2001 Latvian Association of Rural Women was established, which is an "umbrella" organisation for regional and parish women organisations and which helps women to present their opinion on different social and economical issues and to act for their benefit. Legal acts in force in no way restrict women in the exercise of these rights, quite to the contrary – the Government attempts to facilitate various initiatives in rural areas, which would positively influence social and economical activity of different social groups regardless of gender of their members.

Right to receive agricultural loans

284. Access to agricultural credits and possibility to apply for grants from State support programmes is guaranteed to women living in rural areas. In order to enhance their economic activities women living in rural areas can receive funds from SAPARD Programme of Development of Latvian Agricultural and Rural Areas or annual Programmes of State subsidies. Likewise on 1 March 2002 Programme on Long-term Investment Credits for Latvian Agriculture will be launched, which will also be accessible for submission of projects to women living in rural areas. Within the framework Statute of State Subsidy Programme "Support for non-governmental organisations and producers in agriculture" financial support in the amount of LVL 3000 is envisaged for the

Latvian Association of Rural Women as for the biggest organisation representing women living in rural areas. Currently the Programme of micro credits fo. rural women is implemented, whereby small credits are granted for carrying out of small and medium business projects, and women use this opportunity in order to establish new and to develop already existing enterprises. Latvian Association for Gender Equality in its comments points out that Programme of micro-credits for women living in rural areas progresses quite successfully, although society lacks information on this Programme.

ARTICLE 15

285. The equality of the man and the woman before the law has been established in Latvia at the constitutional level – the Satversme (Constitution) includes a norm that stipulates that all people are equal before the law and court in Latvia. Human rights are exercised without any discrimination.

Legal capacity and capability of women

286. In compliance with the Law "On Judiciary" all persons are equal before the law and court, they enjoy equal rights to protection by law. Court passes judgement irrespective of the origin, social and material status, racial and national origin, gender, education, language, religious affiliation, type and character of occupation, place of residence, political or other views.

287. Normative acts do not stipulate any discriminatory restrictions for the legal capacity or capability of women. In compliance with the Civil Procedure Law every natural and legal person have a right to the protection of their violated or disputed civil rights or interests protected by law in court. Under the above law the civil procedural legal capacity is the capacity to be endowed with civil procedural rights and responsibilities. The civil procedural legal capacity is to be recognised on equal basis for all natural and legal persons. No gender restrictions are stipulated. The Civil Law states that legal capability is not enjoyed by minors, persons who are in custody due to their promiscuous or extravagant life and the mentally sick.

Right to acquire property and to use it

288. At the constitutional level the Satversme (Constitution) prescribes the right of every person to property and freedom in handling the said property as far as it is not restricted by law; women are guaranteed equal rights with men in administering property.

289. Under the Civil Law there are no gender differences in the right of the individual to possess and use property, to gain all possible benefits from it, to handle it and to claim it back from a third party in compliance with the prescribed procedure.

290. As concerns equal rights in concluding contracts, there are no gender-related restrictions in Latvia – the Civil Law stipulates that for the transaction to be valid parties to the transaction must enjoy legal capacity and capability. As it was already mentioned above, the legal capacity of a woman is equal to that of

the man, while under the Civil Law legal capability is not enjoyed by minors, persons who are in custody due to their promiscuous or extravagant life and the mentally sick, if not provided otherwise by law. No gender restrictions exist also as concerns the capability of a person.

291. The Civil Law prescribes guarantees for equality in rights for men and women. In compliance with norms of the law, a legally capable person, by using his/her commitments, exercises his/her interests, satisfies spiritual and material needs. They provide the persons equal opportunities in concluding contracts and in administering property. Normative acts do not stipulate the possibility of imposing discriminatory restrictions on the legal capacity of women in relation to private documents or contracts.

Freedom of movement and right to choose residence

292. In compliance with the Satversme (Constitution) every person who legally stays in the territory of Latvia, enjoys the freedom of movement and the freedom of choosing one's place of residence as well as the freedom to leave Latvia. Everyone, who has a passport of Latvia, is under the protection of the state when beyond the borders of Latvia and the person has the right to return freely to Latvia. Latvia has concluded agreements with several countries that regulate processes of emigration and protection of the rights of emigrants. Every person has the right to freely leave or emigrate abroad. These rights may not be restricted in view of political or ideological motives. A citizen of Latvia and a person, who has the right to receive non-citizen's passport, cannot be extradited to foreign countries.

293. The Law "On Border Guard" defines principles of operation for the State Border Guard and one of the is the protection of the rights of persons and their legal interests irrespective of their citizenship, material and other status, racial and national origin, gender and age, education and language, religious affiliation, political and other views. Likewise the Border Guard also ensures compliance with the right of the person to move from one country to another. The free movement of women across the border of the country is not restricted. Normative acts on the State Border Guard do not contain special norms regulating the movement of persons and the procedure for undergoing border control according to the gender principle. Until now no information has been registered by the State Border Guard that during the border control women's rights had been violated, including the restriction in rights that are related to the movement of the woman across the border.

294. The Law "On Entry and Stay of Foreigners and Stateless Persons in the Republic of Latvia" that regulates the person's right to receive permits for stay, permanent residence permits and temporary residence permit in Latvia, does not contain any gender-related conditions for the issue of these permits. The residence permit for stay in Latvia is not issued if the person has a health disorder or a disease which by its nature, severity and the possible duration jeopardises the safety of the community and the health of its members; or if there are grounds to believe that it might threaten public health and if the said diseases is mentioned in the list approved by the Ministry of Welfare of the Republic of Latvia, except cases when persons arrive to undergo treatment for

the indicated disease with the consent of the Ministry of Welfare; they have no health insurance policy that guarantees payment for health care during the time when the person stays in the Republic of Latvia; the person is unable to provide for himself/herself and his/her dependants, except cases when a citizen of the Republic of Latvia undertakes the responsibility to provide for them; the person has been found guilty of a crime according to the procedure prescribed by Law which has been committed in the Republic of Latvia or outside the country and which is punishable under the laws effective in the Republic of Latvia by deprivation of liberty for a period in excess of three years. This provision is not applied if the criminal record has been deleted or removed in compliance with the procedure prescribed by the law of the Republic of Latvia, while in respect of crimes committed abroad – if not less than five years have passed since the person has served the imprisonment sentence. Residence permit is also refused if the person has been denied entry into Latvia; has been extradited from Latvia during the preceding five years; has submitted knowingly false information for the receipt of the residence permit; has invalid identity documents or documents for entering the country, or there are no documents for entering the country; is a member of a totalitarian, terrorist or any other organisation using violent methods, pose a threat to the security of the country, to public order or is a member of any secret antigovernment or criminal organisation; has committed crimes against the humanity, international or war crimes, or has participated in mass repressions if it has been established by a court judgement; has stayed illegally in the Republic of Latvia or has helped another foreigner or stateless person to illegally enter the territory of the Republic of Latvia; has received compensation for moving to permanent residence abroad irrespective of the fact if the above compensation has been paid by public or municipal institutions of Latvia or international (foreign) foundations or institutions. No conditions have been prescribed in respect of the person's gender.

295. Men and women enjoy equal rights in choosing their domicile or residence in Latvia. In Latvia women and men enjoy equal rights in respect of the age when the person can independently choose his/her residence. Under the Civil Law until the time children attain majority, they are under the parental power. Minority for persons of both genders lasts till they reach the age of eighteen. Parents may determine the place of residence for their underage children.

296. There are no restrictions in Latvia for women to rent residential premises or have a separate residence – in accordance with the Law "On the Rent of Residential Premises" any natural person residing in Latvia permanently of having residence permit may become tenant or undertenant. Tenancy agreements on behalf of incapacitated persons are concluded by their custodians, while person having limited legal capacity may conclude tenancy agreement with permission of his/her custodian.

297. Right to be registered at the place of residence are equal for men and women. In compliance with Regulations of the Cabinet of Ministers "On Interim Procedure for Residence Registration and Deletion of Persons" a person is registered at his/her place of residence. The owner of the residential premises (a natural person) and his/her family members has the right to be registered in

the residential premises in his/her ownership. Underage children (also adopted children) of the owner of the residential premises, his/her family members and other persons (who have moved into the residential premises with the owner's permission) have the right to be registered in the owner's residential premises without the latter's consent, informing the owner about it. The tenant, his/her family members and other persons have the right to be registered in the rented residential premises if the name, family name and the personal identity code of the said person are entered into the agreement (or its annex) on the lease of the residential premises. If the person's name is not indicated in the agreement on the lease of the residential premises, the following persons have the right to be registered in the residential premises, informing the lesser about it: a person whose right to residential premises have been established by a court ruling; an underage child (also an adopted child) in the residential premises rented by his/her parents; the guardian or custodian of the tenant's family member.

ARTICLE 16

298. The Satversme (Constitution) stipulates that the state protects and supports matrimony, the family, and the rights of parents and children. The state provides special assistance to disabled children; children deprived of parental care as well as children who are victims of abuse.

299. As in compliance with the Satversme (Constitution) human rights in Latvia are exercised without any discrimination, the equality of the woman and the man in matters relating to the family and family relations is recognised at constitutional level.

Right to conclude marriage and to choose spouse

300. Marriage in Latvia is based on the voluntary agreement of the woman and the man as well as their legal equality.

301. In compliance with the Civil Law a person who has reached the age of 18 may enter into marriage without any gender distinction. In exceptional cases a person who has reached the age of 16 may enter into marriage with the consent of parents or the guardian if the person enters into marriage with a person who has reached majority. If parents or guardians refuse their consent without any valid reason, the custody court at the place where parents' or appointed guardians live may give the consent.

302. In Latvia marriage that has been concluded by spouses prior to reaching the age prescribed by law, is recognised to be invalid. The given marriage is not declared invalid if it has been followed by the pregnancy of the wife or if by the passage of the court judgement spouses have attained the age prescribed by law. During the period since 1993 the age of women who enter their first marriage, has been gradually increasing (see the table).

Year	Average age of women upon entering into their first marriage
1993	22,5
1994	22,5
1995	22,8
1996	23,2
1997	23,6
1998	24,0
1999	24,2
2000	24,4

303. In Latvia women and men enjoy equal rights in choosing one's spouse and the choice is based on the free will of each person. This principle is ensured during the marriage ceremony, when the bride and the bridegroom confirm their intention to enter into marriage. Marriage where, upon its conclusion, one of the spouses has been declared incapacitated due to a mental disease or imbecility, or has been in a condition that the person has failed to understand the significance of his actions and to manage them, as well as the spouse may contest a marriage if the said spouse has entered into marriage under the influence of punishable threat.

304. If the future spouse is selected under pressure by the other future spouse or any other person, such a marriage should be treated as fictitious, i.e., without the purpose of starting a family and it can be declared null and void.

Equality of spouses; equal rights to require divorce

305. In compliance with the Civil Law marriage incurs the duty of the husband and the wife to be mutually faithful, to cohabitate, to take care of each other and together to take care of the welfare of the family. Both spouses enjoy equal rights in arranging the cohabitation of the family. The Civil Law also provides the possibility to seek remedy in court if spouses fail to come to an agreement in a dispute.

306. The Law does not prescribe the mandatory requirement for the woman to take her husband's family name upon entering into marriage. In compliance with the Civil Law, upon entering into marriage, spouses choose the family name of one of the spouses before marriage to be their common family name at their discretion as well as during the marriage each spouse may retain his/her name before marriage without assuming a common married family name or add the family name of the other spouse to one's own family name. In accordance with Cabinet of Ministers Regulations of 22 August 2000 No. 295 "Regulations on writing and identification of names and surnames" if a person takes his/her spouse's family name, an ending is added to this family name in accordance with the Latvian language grammar rules and taking into account the person's gender.

307. The Civil Law also regulates the property relations of the spouses; in compliance with the Civil Law each spouse retains the property that has been in his/her possession before marriage as well as the property that spouse acquires during marriage. During the marriage each spouse has the right to

administer and use all his/her property – the property in his/her possession before marriage as well as the property acquired during marriage. All property that during marriage is acquired by both spouses together or by one of them, however, with the financial resources of both spouses or with the assistance of the other spouse, is the marital property of both spouses; in the event of uncertainty it must be assumed that the said property belongs to both spouses in equal parts. Spouses administer and use the marital property together, however it may be administered also by one of the spouses with the mutual consent of the other spouse. Actions undertaken by one spouse with the said property require the consent of the other spouse. The duty of both spouses is to cover expenses of the family and their common household from the marital property.

308. Spouses may establish, alter and terminate their property relations with marital agreements before entering into marriage as well as during the marriage. Parties to a marital agreement may establish separate or joint marital property instead of legal property relations of spouses. If the marital agreement establishes separate marital property, each spouse retains the property owned before marriage but can independently acquire, use and handle the property during marriage irrespective of the other spouse. If the marital agreement establishes joint marital property, property possessed by spouses before marriage as well as property acquired during marriage, except the separate property, is combined into joint inseparable estate, which does not belong in separate parts to any of the spouses during marriage. Upon determining joint marital property in the marital agreement spouses agree on who will be the administrator of the joint estate (the husband, the wife or both of them).

309. In order to make the marital agreement binding in respect of third parties, it is to be registered with the Register of Property Relations of Spouses, managed by the Enterprise Register of the Republic of Latvia. If the marital agreement includes a clause on real estate, the agreement must be registered also with the Land Book where the real estate has been registered. Extracts from entries into the Register of Property Relations of Spouses are to be published in the official newspaper "Latvijas Vēstnesis". Every person has a right to have access to the Register of Property Relations of Spouses and request extracts from it.

Registered marital agreements

Year	Number of registered marital agreements
1994	13
1995	134
1996	206
1997	256
1998	272
1999	371
2000	449

310. In compliance with the Civil Law each spouse has a right in the event of death to handle his/her property on general basis, irrespective of the type of property relations between spouses.

311. The man and the woman have the right to demand the dissolution of marriage. Court may dissolve marriage following the application of one or both spouses. One of the spouses may demand a divorce, irrespective of his/her gender, if the other spouse poses a threat for his/her life or health; if a spouse has left the other spouse and this absence lasts uninterruptedly for more than a year; if after entering into marriage the other spouse has contracted a long-term incurable mental disease or a contagious disease of the same type; if the other spouse has committed a criminal offence, demeaning one's honour or leads a dishonest or promiscuous life that no continuation of marriage with the person can be demanded. Marriage can also be dissoived if the married life of spouses has disintegrated to an extent that further cohabitation of spouses and the preservation of the family is impossible. The cause of the dissolution of marriage may be also an on-going separate life of the spouses lasting for three years. Marriage is to be dissolved also by common agreement of both spouses but not earlier than one year after the conclusion of marriage. In other cases marriage is not dissolved.

Dissolved marriages % of the total number of marriages

Year	Divorces % of concluded marriages
1993	70.4
1994	72.7
1995	70.6
1996	62.8
1997	63.0
1998	64.4
1999	63.9
2000	66,6

312. In compliance with the Civil Law after the dissolution of marriage the former spouse who is poor, may request alimony from the other in proportion to the latter's resources, except the case when he/she evades earning own income with his/her own work without any valid reason. The duty to support the former spouse does not exist if the latter has facilitated the disintegration of the marriage with his/her actions or has entered into a new marriage.

Equality in the exercise of parental rights

313. Care for children and their upbringing is, first and foremost, the right and responsibility of parents or guardians. Society and the state ensure that parents or guardians are in a position to execute their duties against children.

314. Taking care of their common children, their welfare and upbringing is the responsibility of both parents. The duty of parents is to take care of the life and welfare of children in their parental power in line with their material and social status, to provide their maintenance, i.e., to provide food, dwelling, clothing, to take care of them, to bring them up and to educate. Until the

attainment of majority children are in the power of their parents. Latvian Association for Gender Equality believes that notwithstanding obligation of both parents to take care of their children, women in Latvia, as well as everywhere else, still undertake major part of this responsibility with correspondingly larger amount of time spent for this duty, which restrains their possibilities to meet other needs.

315. In compliance with the Civil Law during marriage both parents exercise their parental power together. In the event of disputes arising between the spouses, they are settled by custody court, if not provided otherwise by law. If the paternity of a child born out of wedlock has been established, parental power is exercised by both parents together or by one of them according to their mutual agreement. In the event of a dispute the said matter is resolved following the same procedure prescribed in the case of children born in registered marriage. If the paternity of a child born out of wedlock has not been established, the mother of the child exercises parental power. If parents reside separately, the parent, living together with the child exercises parental power. In this case the man and the woman enjoy equal rights in the upbringing of the child. The restriction in rights applies only to the parent whose parental power has been terminated by a court judgement. Each of the parents must participate in proportion with his/her property resources in the upkeep of those children who have stayed with the other parent.

316. If the marriage is dissolved or declared null and void and parents fail to reach an agreement whom the children will stay with, the issues resolved by court, taking into account the best interests of the children and as far as possible listening to the wishes of children if they have reached the age of seven.

317. The Civil Law also regulates the procedure for establishing the child's origin and the rights of the woman and the man in this area.

318. A child, born to a woman after she has entered into marriage or not later than on the 306th day after entering into marriage, if the marriage has ended with the husband's death or in a divorce, is deemed to have been born in marriage. A child, born to a woman not later than on the 306th day after the termination of marriage, if the woman has already entered into a new marriage, is deemed to have been born in the new marriage. In the given case the former husband or his parents have the right to contest the origin of the child. The directly expressed or confirmed recognition of undeniable actions by the father that the child born in marriage or after its termination is his child is sufficient proof that the child born is a child of marriage. Neither can the father contest it when he has consented to the artificial creation of the child. The assumption if the child has been born in marriage, i.e., if the father of the child is the husband of the child's mother can be contested in court. Until the resolution of the case in court, the child is deemed to have been born in marriage. The assumption that the child has been born in marriage, the husband of the child's mother can contest in court in the course of two years since the date when he learned that the child had originated form him. The mother of the child enjoys the same rights. The child may contest his/her birth in marriage within two years' time after the attainment of majority.

319. The paternal origin of a child born out of wedlock is based on the establishment of the paternity with its voluntary recognition or by court judgement. The father and the mother of the child submitting a joint application to the registrar's office effect the recognition of paternity. The recognition of paternity is entered into the Birth Registers. If the paternity of a child born out of wedlock is not recognised by an application to the registrar's office, paternity can be established by court, allowing all types of proof, including scientific evidence, which make it possible to prove or exclude the origin of the child from a specific person. The demand for the establishment of paternity in court may be submitted by the mother of the child or the guardian of the child, the child himself/herself after the attainment of majority as well as by the biological father of the child. Latvian Association for Gender Equality points out that women often are not informed on the above provisions, therefore by delaying divorce they may find themselves in a situation when the paternity of their children can be challenged only before the court.

320. Although the paternity of children born out of wedlock is recognised voluntarily by parents reaching an agreement, the man's willingness or unwillingness to recognise paternity is decisive. The woman has not right to unilaterally determine who is the father of her child if the man does not agree to it. In this case the matter can be resolved only through court, the child's mother submitting a demand in court for the establishment of paternity. This legislative norm is particularly relevant, as the number of children born in unregistered partnerships grows (see the Table).

Children born in unregistered partnerships

Year	Children born in unregistered partnerships %
1993	23,0
1994	26,4
1995	29,9
1996	33,1
1997	34,8
1998	37,1
1999	39,1
2000	40,3

321. The legislation of Latvia does not stipulate that paternity can be recognised only by a legally free man. It means, that a man who has entered marriage, irrespective of the consent of his wife, has the right to recognise the paternity of a child born to another woman. In this case of establishing paternity the consent of the wife is not necessary and objections are not to be taken into account.

322. The family name of a child born in marriage is determined according to the family name of parents. If parents have different family names, the child is given the family name of either the father or the mother in accordance with the agreement between the parents. If parents fail to reach an agreement concerning the child's family name, it is determined by court ruling. The

family name of a child born out of wedlock is determined according to the mother's family name at the time of the child's birth, if paternity has not established, upon the registration of the child's birth. If the child's paternity has been established upon the registration of the child's birth, the family name for the child is determined following the same procedure as prescribed for a child born in marriage.

323. The legislation of Latvia does not contain any norms that would indicate the right of the man to unilaterally take decisions on matters related to the number and spacing of children in the family. The woman's rights to free access to information; education and means that allow exercising these rights are analysed at greater length in the discussion of Article 12 of the Convention.

Equal rights to become guardians, rights of adoption

324. In compliance with the legislation of Latvia, the woman and the man enjoy equal rights in becoming guardians of a minor if these persons have the skills and features of character necessary for the performance of this duty. The man as well as woman who has been appointed a guardian to a minor, is responsible for the upbringing of the minor, takes care of the ward with the same care as a caring mother or father.

325. In compliance with the Civil Law a woman as well as a man who has reached the age of 25 and is 18 years older than the adoptee, may adopt a child if there are grounds to believe that relations of a parent and a child will develop between the adopter and the adoptee. The child's father may adopt his own child born out of wedlock, disregarding regulations of the minimum age for the adopter and the 18 years difference in age; such adoption requires only the consent of the other spouse, as well as the consent of the child's mother or the guardian on general grounds.

326. Spouses may adopt a child together or it can be done by one of them. The person, who is married, may adopt only with the consent of the other spouse, except cases when the other spouse has been declared legally incapacitated due to a mental disease or imbecility. While, in their turn, several persons who are not mutually linked in marriage, cannot at one and the same adopt one and the same person.

327. In order to ensure that adoption is in the best interests of the child, it is necessary that all its participants, i.e., the adopter and the adoptee, if the latter is not under 12 years of age, and also his/her parents or guardians while the child has not attained majority, consent to adoption; the adoption of a person under guardianship requires the consent of the guardian. The adoption of minors requires a statement by custody court that adoption will not harm the adoptee. At the request of persons residing abroad a minor can be adopted with the permission of the Minister of Justice and only in cases when it is not possible to ensure appropriate upbringing and care for the child in a family.

328. The Civil Law stipulates that already on the basis of parental power the father and the mother are the natural guardians of their underage children. When one of the parents dies, guardianship is transferred to the other without

confirmation by custody court. When one of the parents dies and the other enters into a new marriage, the latter still continues to remain the natural guardian of the underage children born in his former marriage, however it is his duty to notify custody court about the eventual entering into a marriage and to distribute the estate of the deceased in compliance with terms of inheritance rights as well as to transfer or to ensure in an appropriate manner the portion of the estate that falls to the children. No gender restrictions are stipulated in this case.

329. Both parents have a right to appoint guardians to their children in their last will and testament – for the existing as well as future children. If guardians have not been appointed in the last will and testament or if the appointed guardians are not approved, or if they are no longer surviving or cannot assume guardianship, the closest relatives of the underage children must go to the respective custody court without delay for the request appoint a guardian for the children. Custody court selects the most suitable persons from among relatives of equally close kinship, however if the closest guardians turn out to be unsuitable, from among relatives of more remote kinship.

330. The Civil Law stipulates restrictions on a person's being a guardian. The following persons cannot be guardians: persons who are under custody; persons who have already been once deprived of parental power and who have been released from the performance of guardian's duties in view of the inappropriate performance of his/her duties; persons who have been declared insolvent debtors; persons whom parents or grandparents have rejected in their last will and testament as guardians for their underage children; persons whose interests are obviously against the bests interests of the ward; members of the custody court supervising the respective guardianship; foreigners except cases when guardianship is established over citizens of their country; minors. No other restrictions related to the person's gender, exist for the person to become a guardian.

331. In view of the fact that the responsibility of a guardian in Latvia is a public duty that nobody can reject without any legitimate reason, the Civil Law lists also these reasons. The legitimate reasons for rejecting the responsibility of a guardian are as follows: the public or municipal service that is difficult to combine with the performance of a guardian's duties; illiteracy; age in excess of sixty years; responsibility for three guardianships or custodies or even for one however incurring considerable effort; a large family; poverty; a disease that prevents the appropriate performance of a guardian's duties; movement to the jurisdiction of another custody court; frequent and lengthy absence due to official business or the distance of the place of residence from the place of guardianship which encumbers the performance of guardian's duties. Persons who refuse to assume guardianship may refer to the above reasons irrespective of their gender.

332. Custodians for persons who have attained majority are appointed by the respective custody court according to a court judgement that must first appoint the spouse of the person to be placed under custody or any other of the closest relatives as the custodian as well as take into account the last will of the

person who has left the legacy to the person. In compliance with the Civil Law the same requirements apply to custodians as well as guardians. Likewise there are no gender restrictions prescribed for this area.

333. The institute of foster families also exists in Latvia. In compliance with Regulations of the Cabinet of Ministers No.211 "On Foster Families" (10.06.1997.), a foster family is a family that provides special state assistance and protection to a child who has been temporarily or permanently deprived of his/her family environment or whose stay with the families cannot be permitted in the best interests of the child, till the moment when the child may return to his/her family or, if it is impossible, the child is adopted, placed under guardianship or the child is placed in a child care and educational institution. The status of a foster family is granted to a family if it has expressed the wish to become a foster family and the age of spouses is from 21 to 60 years of age. In exceptional cases the status of a foster family may be granted to one person (there are no gender restrictions imposed on one person in order to receive the status of a foster family).

334. Interests of children are decisive: guardianship is established by the decision of custody court or civil parish court; in practice there have been cases when the guardian is appointed by court; the recognition of persons as adopters and the issue of a statement that adoption is in the best interests of the child by a decision of custody court or civil parish court; it performs analogous functions – granting the status of a foster family by the decision of custody court or civil parish court; representatives of parents, guardians, foster families authorised to represent and make arrangements in the personal and property interests of children.

Equal rights of spouses to choose profession and employment as well as to choose family name

335. The right of the woman to choose her married family name has been already discussed above. The right to choose a profession and occupation has been discussed in the analysis for Article 10 of the Convention.

Prohibition of betrothal and marriage of children

336. According to the understanding of the legislation of Latvia betrothal is a mutual promise to enter into marriage. It precludes the betrothal of children, as this promise can be given neither by guardians of the minor nor other persons. Betrothal does not give the right to demand that marriage be concluded through court.

337. As it was already mentioned above, in Latvia the minimum age for marriage has been established and marriages concluded prior to reaching the given age are to be declared null and void.

338. The registration of marriages in an official registry is compulsory in Latvia. In compliance with the Civil Law the manager of the registrar office and priests of denominations listed in the law (Evangelical Lutheran, Roman Catholic, Orthodox, Old Believers', Methodist, Baptist, Seventh Day Adventist or Judaism priests) who have the permission of the management of

the respective denomination have the authority to perform the marriage ceremony. Priests send information, required by the Marriage Register about each marriage concluded, to the registrar's office of the territory where the marriage ceremony has been performed within a period of fourteen days. A priest may be held administratively liable for failure to perform this duty. Marriage that has not been concluded at a registrar's office or in the presence of a priest is to be declared invalid in compliance with the procedure prescribed by law.